



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Great Lakes Region  
Illinois, Indiana, Michigan,  
Minnesota, North Dakota,  
Ohio, South Dakota,  
Wisconsin

2300 East Devon Avenue  
Des Plaines, Illinois 60018

**POLICY AND PROCEDURES MEMORANDUM - AIRPORTS DIVISION**

NUMBER: 5050.1

DATE: October 1, 1993

SUBJECT: Processing Environmental Documents Under the National  
Environmental Policy Act (NEPA)

CANCELLATION: October 1, 1998 (unless subsequently modified)

REFERENCE:

1. FAA Great Lakes Region Planning and Coordination Procedures, Draft Order 1000.4A Chapter 3, Environmental Review Procedures, interim implementation via -200/-400/-500/-700 Letter of Understanding dated 5/7/92 (subsequently modified by AGL-600 clearance record dated 7/1/93 with -200/-400/-500/-700 concurrence, no change to Ch. 3).
2. FAA Order 1100.154A, Appendix 4, Delegation of Authority for Regional Airports Division Managers dated 6/12/90.
3. FAA Great Lakes Region Order 1100.55A, dated 10/1/90, Delegation of Authority-Airports Division.
4. FAA Order 1050.1D, dated 12/2/83.
5. FAA Order 5050.4A, dated 10/18/85.
6. Environmental Evaluation, FAA Great Lakes Region, as completed in January, 1993.
  - a. AGL-1 memo dated 12/17/92
  - b. AGL-600 memo dated 1/15/93
  - c. AGL-600 memo dated 1/15/93
7. Great Lakes Region PPM 5020.1 dated 10/1/92, Federal Aviation Regulation (FAR) Part 150 Noise Project Action for Airports.
8. AEE-1 transmittal, dated 9/24/90 providing a Letter of Understanding on Environmental Responsibilities in FAA as executed by API-1, ARP-1 and approved by the Deputy Administrator for the Executive Board.

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Distribution: AGL-600/601/602/603/610/620  
ADO-BIS; ADO-CHI; ADO-DET; ADO-MSP  
All State Directors (for information through ADO's)

Originated by: AGL-610

OCT 01 1993

APPENDICES:

1. Reserved
2. Reserved
3. Delegation of Authority
4. Categorical Exclusion Preparation Guide
5. Environmental Assessment Preparation Guide
6. Environmental Impact Statement Preparation Guide
7. Environmental Decision Document Preparation Guide
8. Guide for Determining Environmental Review Responsibilities - Operational and Regional Staff
9. Guide for Preparation of Administrative Records
10. Guide for Responding to Requests for Documents Under the Freedom of Information Act
11. Other Considerations
12. FAA Reports/Advisory Circulars (AC) Dealing with Environmental Issues
13. Guide for Undertaking Environmental Scoping Process
14. Guide for Third Party Contracting for Preparation of Environmental Impact Statements
15. Guide for Public Hearings
16. Resolution of Comments on PPM (Internal Use Only)

OCT 01 1993

1. Background. Since the beginning of the environmental consideration process in the late 1960's, the FAA has assumed a responsible role in the examination of the environmental aspects of airport owner development projects. Over the past 20-25 years the FAA has developed considerable expertise regarding various potential levels of "impact" and/or "non-impact" of proposed development on the environment.

Prior to 1990 all quality control, processing and environmental approval of airport owner development proposals were accomplished by Regional staff (specifically AGL-610). In 1990, environmental decision making authority was delegated to the Airports District Offices (Chicago, Detroit, Minneapolis, Bismarck) based on their experience and expertise. Regional staff involvement has since that time been primarily directed at policy development and at assisting the district offices from an advisory standpoint.

This policy has been successful in that it assured consistency, enhanced responsiveness, and clearly established responsibility and accountability. It has also broadened the base of professional skills in the environmental process throughout the division.

The FAA Great Lakes Region-Airports Division has invested in the highest professional and material resources in the district office, placing these resources as close to the customer as possible. Delegated authority is continuously examined and environmental documentation approval authority is and will continue to be placed in the district offices.

This Policy/Procedures Memoranda provides guidance to the districts regarding approval/processing of environmental actions. It is intended to provide more "detailed" guidance than found in draft Order 1000.4A (chapter 3); and to allow for easy future update of division policy. This PPM is necessarily an internal Airports Division policy/procedural document; while 1000.4A provides guidance across program lines. Any perceived conflict should be directed to AGL-610.

Most of the material in this PPM is found in other agency policy documents (see cover page reference). As such, it may appear repetitive. This PPM is intended to primarily standardize and streamline how basic agency policy is applied in the Great Lakes Region. Therefore it is necessary to paraphrase policy found elsewhere in order to present it within the context of how it is applied in the Great Lakes Region.

In addition, this PPM was developed to outline the environmental process from a "what works best" standpoint in the Great Lakes Region. The procedures are fully consistent with national policy; and yet adapt to conditions unique to the region. For example, the Great Lakes Region is the second largest of nine regions with approximately 20% of national airport improvement project volume (the top two regions account for over 40%). The Great Lakes Region Airports Division operates with four remote district offices who generally exercise full authority throughout the environmental process. In addition, the state aeronautical bureaus are strong in this region, and the region certifies more airports under FAR 139 (120) than any other region. The weather conditions also force a somewhat limited construction season. For these and many other reasons, it appears productive through this PPM to adapt national environmental process policy and procedures to factors unique to the Great Lakes Region; and further, to promote the interests of increased efficiency and consistency.

PPM 5050.1

OCT 01 1993

2. RESERVED.

OCT 01 1993

3. Delegation of Authority. Specific delegations of authority are referenced in Chapter 3, draft Order 1000.4A; and are authorized (for the Airports District Offices (ADO's)) via Great Lakes Regional Order 1100.55A dated 10/1/90, Delegation of Authority-Airports Division.

Regional authority is derived from national delegations provided by FAA Order 1100.154A, Appendix 4, Delegation of Authority for Regional Airports Division Managers, dated 6/12/90. This supersedes any perceived conflicting references in prior policy documents (5050.4A and 1050.1).

Generally, authority delegated by the policy referenced above is as follows:

a. Records of Decision. Records of Decision for airports actions which do not cross programs are signed by the Airports Division Manager. The Airports Division Manager shall determine which actions cross division lines and will prepare those Records of Decision for the signature of the Regional Administrator.

*Note: The Airports Division Manager in consultation with Assistant Chief Counsel may determine it is appropriate to utilize the signature authority of the Regional Administrator for actions that do not cross programs if it appears in the best interests of the agency.*

No Record of Decision for any airports action will be recommended for execution by the Regional Administrator other than through the Airports Division Manager. This recommendation will become part of the agency's administrative record. A sample is provided in Appendix 7, as Exhibit 7\_\_\_ (to be developed).

Records of Decision will be approved via a "cover page" format similar to Environmental Impact Statements. A sample is provided in Appendix 7, as Exhibit 7\_\_\_ (to be developed).

b. Environmental Impact Statements. The authority to approve Environmental Impact Statements (EIS) for final agency approval of Sponsor airport layout plans involving any new airport serving a metropolitan area (construed as a Metropolitan Statistical Area or MSA), new runways or major runway extensions on air carrier airports located in a MSA or any action for which a Federal, State, or local government agency has expressed opposition on environmental grounds, is reserved by the Assistant Administrator for Airports (ARP-1).

Historically, after substantive involvement during the process by APP-1, AGC-1, API-1 and the appropriate offices in the Department of Transportation and the Justice Department (all at the national level), the authority to approve the final EIS has been delegated to the Regional Division Manager. A sample delegation is provided in Appendix 6, as Exhibit 6\_\_\_ (to be developed).

EIS approvals covering the above referenced development will continue to be approved at the division level. The document will also bear the signature of a recommending FAA official at the ADO level; who should be the most knowledgeable professional from a technical standpoint. A sample is provided in Appendix 6, as Exhibit 6\_\_\_ (to be developed).

OCT 01 1993

Final approval of all other EIS's are within the authority of the Airports Division Manager. This authority has been further delegated to the Manager of Airport District Offices (District Managers) (reference Order 1100.55A) within constraints which prescribe coordination with the regional office (reference Appendix 6, Exhibit 6\_\_\_ (to be developed)).

District Managers are encouraged to execute these approvals at the Manager level upon recommendation of the most knowledgeable professional from a technical standpoint.

c. Findings of No Significant Impact. As noted in Chapter 3 of draft Order 1000.4A and provided via Order 1100.55A, the approval authority for Findings of No Significant Impact for airport actions is delegated to the District Manager.

d. Categorically Excluded Actions. Draft Order 1000.4A advises: "Actions which have normally categorically excluded from formal environmental assessment under the guidelines of FAA Order 5050.4A, Policies and Procedures for considering environmental impacts, require no Federal finding unless an extraordinary circumstance exists. The office having the authority for the action (i.e., the ADO for AIP proposals and AF for on-airport Airway Facilities projects, etc.) shall determine if it is an excluded action. The decision not to perform an environmental assessment shall be documented in the file of the appropriate OPI [Office of Primary Interest]."

The decision regarding categorical exclusions is not necessarily limited to Airport Improvement Program (AIP) decisions. It also includes any planning approvals and is necessarily extended to Passenger Facility Charge (PFC) approvals.

Normally, categorical exclusion decisions for airport actions need not be coordinated beyond the decision level. The only exceptions should be those actions falling within the guidance outlined in "exceptions" to delegated authority (reference Appendix 6, Exhibit 6\_\_\_ (to be developed)).

4. Airport Development - Categorical Exclusions. Federal action which does not individually or cumulatively have an effect on the environment may qualify for a "categorical exclusion" from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (NEPA). If the responsible Federal official has reasonable assurance that all the statements listed on Exhibit 4A in Appendix 4 can be answered, a categorical exclusion determination is appropriate. Supporting memoranda, letters from other agencies and records of telephone conversations may be attached to the determination as appropriate.

In rare cases, it may be in the interest of FAA to suggest that the Sponsor prepare an Environmental Assessment even though the action appears to meet Appendix 4 statements. If any of the statements appear questionable, and can not readily be confirmed by inquiry or coordination, an environmental assessment may be necessary.

Community involvement is not required for Categorical Exclusions (as is the case for the preparation of an EIS or EA). However, persons and officials who might have some need to know about the Federal action by reason of their

OCT 01 1993

location relative to the action or by their functions in the community, should be notified, consulted or otherwise informed of this action. The FAA will rely on the Sponsor to determine and accomplish any appropriate notifications or consultation pursuant to local practice or requirements.

a. Format/Preparation.

See Appendix 4.

b. Coordination Requirements. Sponsor construction projects such as overlays and rehabilitations are clearly categorical exclusions. Other construction projects (as listed in paragraph 23.a of Order 5050.4A) may be categorical exclusions if no impacts to the environment occur (generally, any impact is rare). To aid in the decision of whether or not the project may be categorically excluded, if the Sponsor believes there may be impacts (on projects which are normally categorically excluded), the Sponsor may at his option solicit advice from the following agencies:

- (1) U.S. DOI Fish and Wildlife Service (regarding threatened and endangered species).
- (2) Corps of Engineers (regarding jurisdictional wetlands).
- (3) State Historical Agency (regarding cultural resources).
- (4) If the Sponsor has information which may indicate a need to contact a different agency, then such contact should be made.

In the communication soliciting advice from the agency, the Sponsor should include a complete description of the project along with a location map (airport identified on a quadrangle map) and a schematic drawing of the project. A response time of 30 days should be given. The agencies also should normally be informed of any previous studies performed at the airport which might be applicable (i.e., archaeological and biological surveys for previous projects).

If no response is received in 30 days, it is not unreasonable for the Sponsor to assume that the agency has no concerns with the project and document same. Any Sponsor communication or letter and its enclosures as well as the comments from the responding agencies should be provided to the FAA for information.

A positive or lack of response to the Sponsor from the agencies will generally confirm, from an informational standpoint, the FAA's decision that the project is categorically excluded. A negative response may indicate the need for an environmental assessment (EA). The responding agency may at times ask for more information. The Sponsor should attempt to answer the question as promptly and accurately as possible. Supplying the agency with more information does not indicate the need for an EA unless the agency identifies an impact based on the new information.

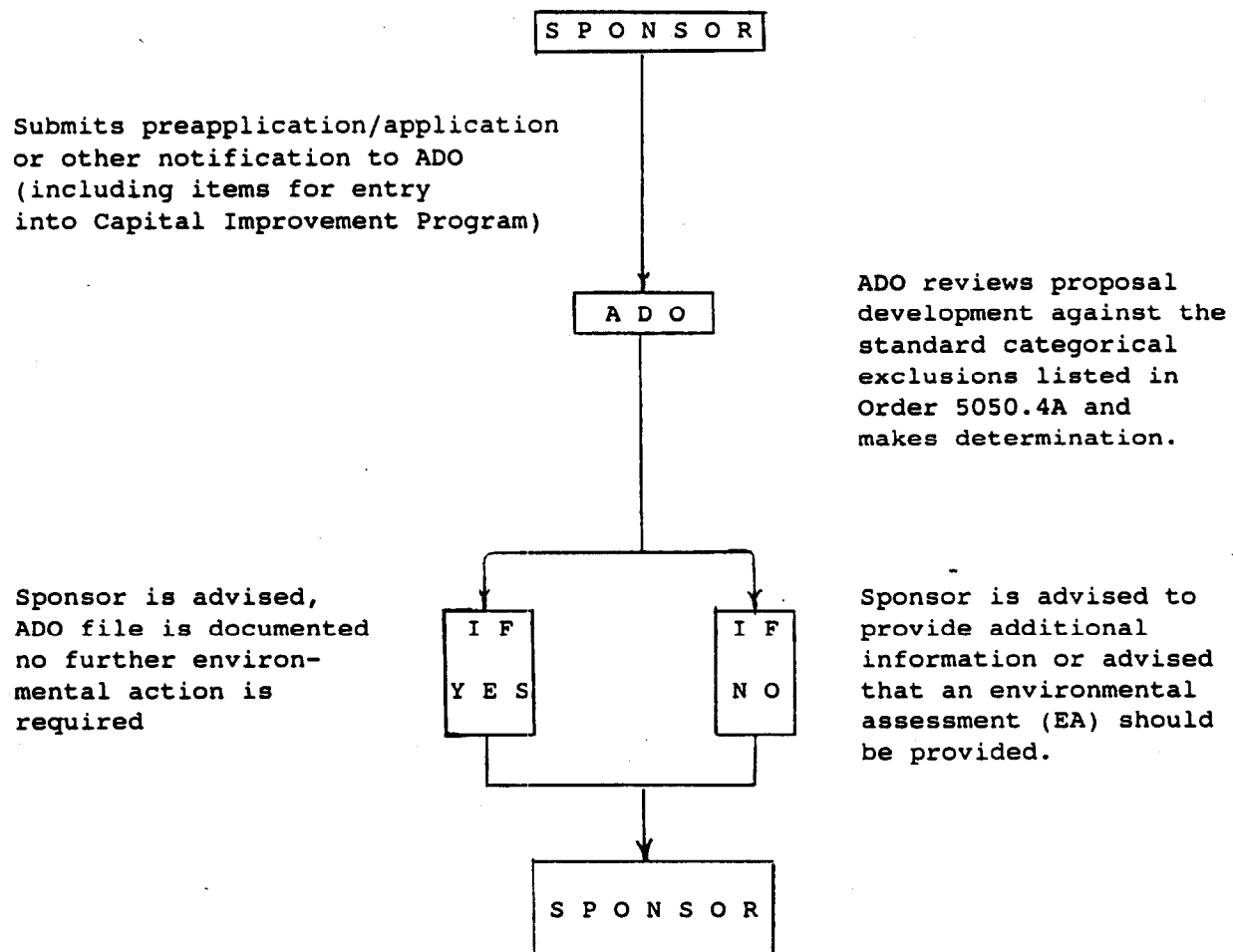
Normally, categorical exclusion decisions for airport actions need not be coordinated beyond the decision (ADO) level.

OCT 01 1993

c. Distribution. Categorical exclusions are not distributed, but are to be documented within the ADO's project file for that particular airport. An informal communication to the Sponsor (and state aviation agency), that the proposed action is a categorical exclusion may be provided by the ADO if appropriate. Reference should be made to the categorical exclusion by the Sponsor in any preapplication or application for AIP grant funding or in an application for PFC approval to impose and/or use a passenger facility charge.



OCT 01 1993

FIGURE 4A. Flow Chart for Categorical Exclusions

OCT 01 1993

5. Airport Development - Environmental Assessments (EA) Resulting in Finding of No Significant Impact (FONSI).

a. Format/Preparation. Order 5050.4A should be used as principal guidance. Use paragraph 47 for EAs. See list in Appendix 12 of FAA Reports/Advisory Circulars (AC) for additional information.

*Note: Council on Environmental Quality (CEQ) guidelines do not specify any format for an environmental assessment. The format in Order 5050.4A is utilized with the thought that it is more easily converted to an EIS.*

Depending on the magnitude of the project, some EAs will contain little more than a brief description of the purpose and need, an Airport Layout Plan (ALP) or other sketch of the development alternatives, effected environment, a brief paragraph to cover each of the twenty (20) impact categories specified in Order 5050.4A, and the associated supporting letters of coordination. Other EAs, normally for major runway extensions, new runways, or new airports, will require more detail.

The EA should systematically examine each potential impact category to determine if the impact reaches a threshold of significance. The Sponsor should briefly address all impact categories in the body of the report, even if they are not applicable to the location in question, simply to illustrate awareness of the categories. Often one or two short sentences will do. For each environmental category, it should be noted in the text, that the threshold of significance is not exceeded if that is the case. Where mitigation measures are anticipated, they should be outlined in the appropriate paragraphs.

If the mitigation brings the threshold of significance to a level of "no significance", then there is no "significant" impact (see mitigated FONSI).

The Sponsor's EA should be a stand-alone document; thus all pertinent information that will be needed for complete FAA review of the EA should be included in the EA rather than referenced from other documents. Although it may be acceptable to summarize some of the conclusions of other studies (e.g., regarding population or economic trends), the EA must contain enough information pertinent to the environmental impacts so that Federal, state, and local reviewing agencies (if involved in a review) will have the facts needed to determine the impact's significance in their area of expertise or jurisdiction.

The Sponsor should include, in the beginning, a very brief "Executive Summary" of the preferred alternative, its environmental consequences or impacts, needed mitigation measures, and conclusions. In most cases this could be covered in a few paragraphs.

In the past, some Sponsor's consultants refer to a "worst case analysis" in EAs. The Council of Environmental Quality (CEQ) rescinded the requirement for a "worst case analysis" in a final rule issued in the Federal Register of May 7, 1986. Since then, the preferred type of analysis is an evaluation of the "reasonably foreseeable significant adverse impacts" of a project. Use of "worst case" terminology is discouraged. It is recommended that any figures, tables, or illustrations appear on the page following their mention, so that readers would not have to turn through many pages to find them. It is

OCT 01 1993

sometimes also necessary for reviewing agencies to photocopy portions of EAs (particularly noise contours). Therefore, high quality graphics should be used.

Wherever possible, 8.5 x 11 graphics are preferred over 11 x 17. Foldouts larger than 11 x 17 are discouraged; they are difficult to reproduce and tend to be misplaced.

b. Mitigated FONSI Format/Preparation. Mitigation measures may be relied upon to make a Finding of No Significant Impact only if they are imposed by statute or regulation, submitted by the Sponsor as part of the original proposal, or subsequently negotiated with the Sponsor. As a general rule, the CEQ regulations (1508.8 and 1508.27) contemplate that agencies should use a broad approach in defining significance and should not rely on the possibility of mitigation as an excuse to avoid the EIS requirement. However, if the mitigation clearly places the level of impact below that judged to be significant, the EIS process is unnecessary.

If a Sponsor's proposal appears to have adverse effects which would be significant, and certain mitigation measures are then developed during the scoping or EA stages, the existence of such possible mitigation does not obviate the need for an EIS (unless a firm commitment is negotiated with a Sponsor). Therefore, if scoping or the EA identifies certain mitigation possibilities with no alteration of the overall proposal itself (inclusion of the mitigation as an integral part of the project), the EIS process should be continued and the proposal and the potential mitigation should undergo public and agency review and comment.

In instances where the proposal integrates mitigation, the ADO may then rely on the mitigation measure in determining that the overall effects would not be significant (e.g., where an application for a permit for filling a wetland to allow building a runway is based on a binding commitment to replace any lost wetlands, construction of a runway is dependent on the purchase of homes that would be impacted by the runway's construction and use, etc.). In those instances, the Sponsor should make the EA available for 30 days of public comment prior to providing it to the ADO [CEQ 1501.4(e)(2)].

Similarly, scoping may result in a redefinition of the entire project, as a result of mitigation proposals. In that case, the ADO may alter a previous decision to require the preparation of an EIS, as long as the Sponsor resubmits the entire proposal and the EA is available for 30 days of review and comment. One example of this would be where the size and location of a proposed runway are changed to avoid affecting a nearby wetland area. Public review is necessary, for example, (a) if the proposal is a borderline case, i.e., when there is a reasonable argument for preparation of an EIS; (b) if it is an unusual case, a new kind of action, or a precedent setting case such as a first intrusion of even minor development into a pristine area; (c) when there is either scientific or public controversy over the proposal; or (d) when it involves a proposal which is or is closely similar to one which normally requires an EIS by agency order/regulations (CEQ Regulations 1501.4(e)(2) and 1508.27). The Sponsor also must allow a period of public review of the EA if the proposed action would be located in a floodplain or wetland [E.O. 11988, Sec. 2(a)(4) and E.O. 11990, Sec. 2(b)], respectively.

When a mitigated FONSI is contemplated, it is important to systematically examine each potential impact to determine if the impact is significant. Although not a CEQ requirement, it is recommended that the Sponsor briefly address all impact categories in the body of the EA, even if they are not applicable to the location in question, simply to illustrate that the Sponsor is aware of the categories such as Wild & Scenic Rivers, etc. Often one or two short sentences will do. For each environmental category, the EA should mention that the threshold of significance (established in Order 5050.4A) is not exceeded if that is the case. Where mitigation measures are anticipated, they should be outlined in the appropriate paragraphs.

c. Coordination Requirements. For preliminary coordination of environmental materials, the Sponsor (or Sponsor's consultant) should contact appropriate local, state, and Federal agencies, and include their letters of response in the appendix of the EA. As a minimum, the draft EA should be coordinated with the following (if affected):

- the local Council of Governments (COG's), Metropolitan Planning Office (MPO), or other similar local planning agencies.
- the State Historic Preservation Officer.
- the state wildlife agency (regarding threatened and endangered species as well as biological resources).
- the state air and water control agencies.
- the U.S. Agriculture Soil Conservation Service (regarding prime farmlands).
- the U.S. Army Corps of Engineers (regarding wetlands and potential Section 404 permits).
- the U.S. Department of the Interior Fish and Wildlife Service (regarding threatened and endangered species as well as biological resources).

It is recommended that the draft EA include a list of all agencies included in the coordination process.

Depending on circumstances (magnitude of the project, special environmental considerations, etc.), other agencies should also be contacted for input into the content of the draft EA (see 5050.4A for additional guidance). For example:

- If 100-year floodplain areas will be involved, contact with Corps of Engineers and Federal Emergency Management Agency (optional) should be documented.
- If Coastal Zone Management Areas [Michigan, Wisconsin, Minnesota or Ohio (soon to be included)] are involved the State agency responsible for management of the Coastal Zone should be contacted.
- If Wild and Scenic River Areas are affected, the National Park Service should be contacted.

OCT 01 1993

d. Public Involvement and Public Notice Requirements. The ADO should encourage the Sponsor to initiate public involvement at the earliest practical time and continue it throughout the development of the proposed project in order to obtain meaningful input. An effective opportunity to comment at appropriate stages in the decisionmaking process should be provided to communities, citizen groups, and other individuals affected by airport proposals submitted to the FAA.

Public involvement allows input regarding the economic, social, and environmental effects of the Sponsor's proposed development and assists in determining the consistency of the proposed action with the goals and objectives of any urban planning that has been carried out by the community.

Where appropriate, the ADO should make sure that the Sponsor provides an adequate opportunity for the public to review and comment on the environmental assessments. Citizen involvement should be initiated at the earliest practical time and continued throughout the development of the proposed project or action in order to obtain meaningful input. General guidance in regard to recommended public involvement is found in FAA Order 5050.4A, Paragraphs 18 and 49 and FAA Order 1050.1D, Paragraphs 28 and 29. Additional guidance can be found in FAA's Community Involvement Manual, dated August 1990 (FAA Publication FAA-EE-90-03) and FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning. Likewise, standard procedures for Federal agency public involvement are stated in CEQ 1506.6.

When deciding whether a public hearing on the Sponsor's EA, is appropriate, the Sponsor should consult with the ADO to see if circumstances indicate that it is in the best interests to have a public hearing. See Appendix 15 for guidance as to whether an opportunity for a public hearing is required or desirable. Nevertheless, the Sponsor may also consider the following options for public involvement when the need for a public hearing is not required:

- have separate meetings with persons to be relocated to cover relocation issues;
- conduct surveys, interviews, to contact environmental, public service, aviation groups, etc.

The involvement of the community at large is a necessary element in the decisionmaking process. An effective opportunity to comment at appropriate stages in the decisionmaking process should be provided to communities, citizen groups, and other individuals affected by airport proposals submitted to the FAA.

Examples of citizens groups are: environmental, conservation, public service, education, labor, business, or aviation and airspace user organizations, and citizen advisory committees. Comments from individuals and groups should be considered in preparing the Sponsor's EA. A summary of citizen involvement and the environmental issues raised should be documented in the EA.

OCT 01 1993

Sponsor public information/involvement programs are recommended as follows:

	<u>MINOR/NONCONTROVERSIAL PROJECTS</u>	<u>MAJOR/CONTROVERSIAL PROJECTS</u>
Prior to EA preparation	No meeting required	1st town meeting (informal process) to present proposed project to public
Early in project, draft EA available	Optional informal town meeting	2nd town meeting (informal process) to present results of draft EA to public, collect information and make any additions to formal public hearings
Draft EA almost ready to finalize	Opportunity for public hearing (EA must be on display 30 days)	Formal public hearing (EA must be on display for 30 days prior to public hearing)

An environmental assessment, if required by the ADO, should be made available for public examination at least 30 days prior to the hearing and so indicated in the hearing notification. The location where it will be available should be noted.

Hearings may be held by the Sponsor simultaneously with any state and local review as described in FAA Order 5050.4A, paragraph 48. Comments received from this state and local review should be made available at the Sponsor's public hearing if this process has been completed.

In preparing for a public hearing, a Sponsor should follow a variety of notice requirements. They are found in CEQ Regulations, Federal Aviation Regulations Part 152.117, as well as FAA Orders 5050.4A and 1050.1D.

For projects/actions which eventually become an EIS, follow-on public involvement should be considered in accordance with Chapter 6 regarding public interaction in the EA/FEIS process.

For a hearing on a document prepared by the Airport Sponsor, the Sponsor is responsible for selecting the hearing officer. Although the Sponsor may use their own staff or attorney to represent the Sponsor, it is sometimes advantageous for controversial projects for the Sponsor to hire a hearing officer that is not associated with the Sponsor or the project.

The Sponsor should not publish the public availability/public hearing notice unless sure that the environmental assessment will be available at the locations mentioned in the notice. If it isn't available at the time the notice is published, a new notice must be published with a revised date for the hearing so the 30 days of assessment availability is met.

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For a successful public involvement program, public constraints should be accommodated. For instance if significant portions of the affected public have a native language other than English, environmental documents should be provided or public hearings conducted in such native language in order to provide an effective opportunity for comment.

In the past some groups opposing a project may have used the hearing to play to the press. This can be minimized by providing a public information area for informal question answering and a separate area for taking testimony. Likewise, some persons desiring to give hearing comments also feel intimidated by the crowd. They can be accommodated by having hearing officers take down their comments one on one.

When a public hearing is to be held, a hearing transcript need not be included in the environmental assessment. However, at least one copy of the transcript should be obtained by the Sponsor for the record. The Sponsor should furnish a copy of the transcript to the ADO upon request. Moreover (reference FAR 152.117(e)), the Sponsor should also provide the ADO a summary (in the environmental assessment) of the issues raised, the alternatives considered, the conclusions reached, and the reasons for that conclusion.

e. Publication/Distribution. The ADO may furnish an information copy of the approved Finding of No Significant Impact (FONSI) and supporting Environmental Assessment to any internal FAA element upon specific request. As these documents are often costly to reproduce, the request should be justified and include the intended use of the material. The ADO should also distribute copies of the FONSI and the supporting documentation to the Sponsor (and/or the state aviation agency) to insure the announcement by the Sponsor (or state) of the availability of approved Findings of No Significant Impact. See Chapter 7, Environmental Decision Documents of this PPM for further details of the announcement process.

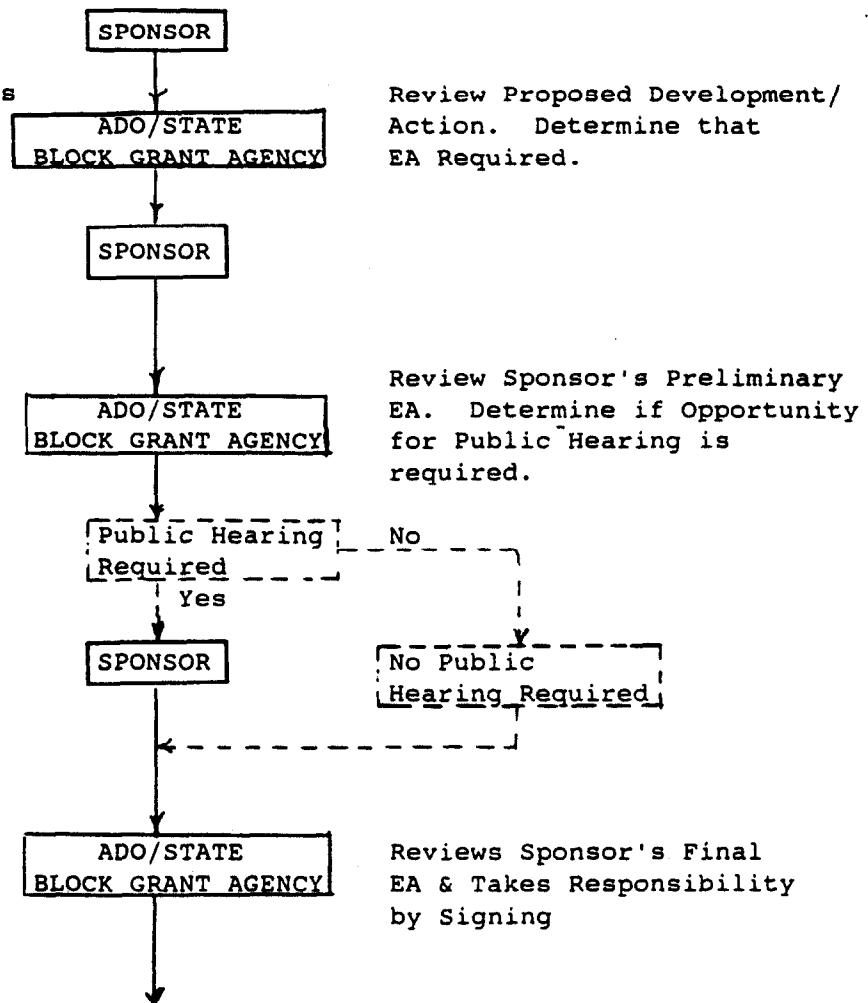
OCT 01 1993

**FIGURE 5A**      **FLOWCHART FOR ENVIRONMENTAL ASSESSMENT (EA)**  
**RESULTING IN FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**Action Does Not Require Section 4(f) Or Other Mandatory Federal**  
**Coordination.**

Identifies Problem  
 Develops Planning  
 Alternatives  
 Proposes Projects/Actions

EA by Sponsor's  
 Consultant Coordinates  
 with Relevant Federal  
 State & Local Agencies.

Holds Public Hearing if  
 Required, Consolidates/  
 Responds to Comments &  
 Then Forwards Completed  
 EA to ADO or State Block  
 Grant Agency



See Figure 7A Flowchart for  
 Environmental Decision Process



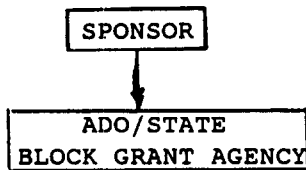
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**FIGURE 5B FLOWCHART FOR ENVIRONMENTAL ASSESSMENT (EA)  
RESULTING IN FINDING OF NO SIGNIFICANT IMPACT (FONSI)  
Action Involving the Location of an Airport, Airport Runway,  
or a Major Runway Extension.**

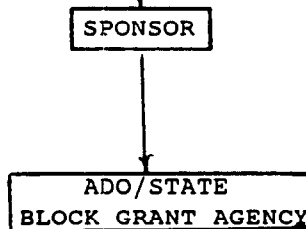
Identifies Problem  
Develops Planning  
Alternatives  
Proposes Projects/Actions

EA by Sponsor's  
Consultant Coordinates  
with Relevant Federal  
State & Local Agencies.

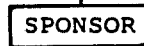
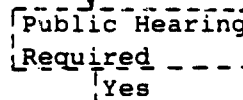
If Public Hearing Held  
Consolidates/Responds to  
Comments Then Forwards  
Completed EA to ADO or  
State Block Grant Agency



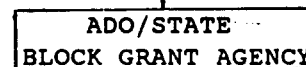
Review Proposed Development/  
Action. Determine that  
EA Required.



Review Sponsor's Preliminary  
EA. Advise Sponsor that  
Opportunity for Public  
Hearing Required



No Public  
Hearing Required



Reviews Sponsor's Final  
EA & Takes Responsibility  
by Signing

See Figure 7B Flowchart for  
Environmental Decision Process

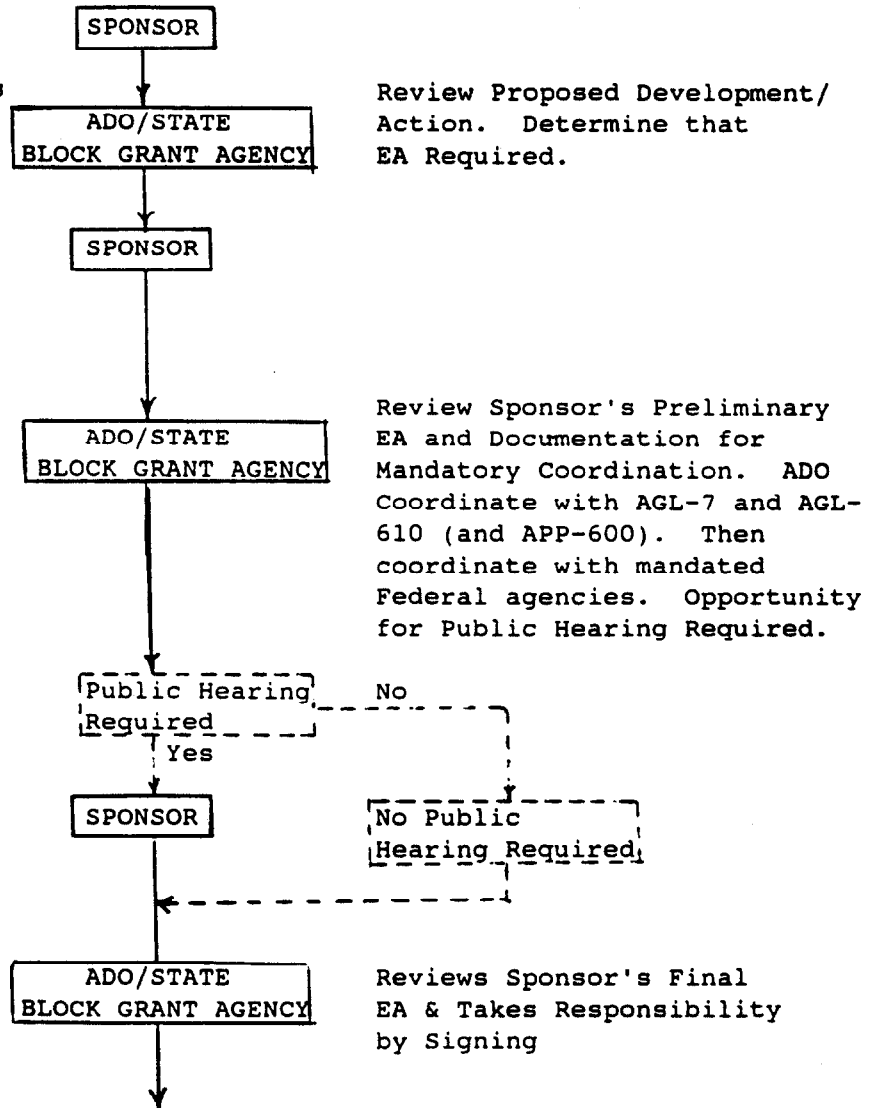
OCT 01 1993

FIGURE 5C FLOWCHART FOR ENVIRONMENTAL ASSESSMENT (EA)  
 RESULTING IN FINDING OF NO SIGNIFICANT IMPACT (FONSI)  
 Action Involving Mandatory Coordination with Other  
 Federal Agencies, i.e., Section 4(f) Coordination.

Identifies Problem  
 Develops Planning  
 Alternatives  
 Proposes Projects/Actions

EA by Sponsor's  
 Consultant Coordinates  
 with Relevant Federal  
 State & Local Agencies.  
 Prepares Information for  
 Mandatory Coordination

Holds Public Hearing if  
 Required, Consolidates/  
 Responds to Comments &  
 Then Forwards Completed  
 EA to ADO or State Block  
 Grant Agency



See Figure 7C Flowchart for  
 Environmental Decision Process

OCT 01 1993

6. Airport Development - Environmental Assessments (EA) Resulting in Environmental Impact Statements (EIS)

a. Format/Preparation (EA) Leading to EIS In the preparation of an environmental assessment (EA) expected to lead to an environmental impact statement (EIS), Order 5050.4A should be used as principal guidance. In addition to using paragraph 47 as a guide for determining what should be assessed, paragraphs 80 through 89 should be followed for format so that as there is minimal work involved in converting the EA to an EIS. Also, see the list in Appendix 12 describing FAA Reports/Advisory Circulars (AC) for additional information regarding various impact categories.

The EA should systematically examine each potential impact to determine if the impact is significant. The Sponsor should briefly address all impact categories in the body of report, even if they are not applicable to the location in question, simply to illustrate awareness of the categories. Often one or two short paragraphs will do. For each environmental category, it should be noted whether the threshold of significance (established in Order 5050.4A) is exceeded. Where the thresholds are exceeded, mention should be made of what mitigation measures are anticipated, and the measures should be outlined in the appropriate paragraphs.

The Sponsor's EA should be a stand-alone document; thus all pertinent information that will be needed for complete FAA review of the EA should be included in the EA rather than referenced from other documents. Although it may be acceptable to summarize some of the conclusions of other studies (e.g., regarding population or economic trends), the EA must contain enough information pertinent to the environmental impacts being examined so that Federal, state, and local reviewing agencies will have all the facts needed to determine the impact's significance in their area of expertise or jurisdiction.

The Sponsor's EA should include, in the beginning, a very brief "Executive Summary" of the preferred alternative, its environmental consequences or impacts, needed mitigation measures, and conclusions. In most cases, this may will not be more than a few pages.

In the past, some consultants referred to a "worst case analysis" in EAs and EIS's. CEQ rescinded the requirement for a "worst case analysis" in the final rule issued in the Federal Register of May 7, 1986. Now the preferred type of analysis would be an evaluation of the "reasonably foreseeable significant adverse impacts" of a project. Use of "worst case" terminology is discouraged.

It recommended that any figures, tables, or illustrations appear on the page following their mention, so that readers would not have to turn through many pages to find them. It is sometimes also necessary for reviewing agencies to photocopy portions of EAs (particularly noise contours). Therefore high quality graphics should be used in the EAs to facilitate reproduction. Wherever possible, 8.5 x 11 graphics are preferred over 11 x 17. Foldouts larger than 11 x 17 are normally discouraged, they are difficult to reproduce and tend to be misplaced.

b. Coordination Requirements (EA Leading to EIS) Also, see the list in Appendix 12 describing FAA Reports/Advisory Circulars (AC) for additional information regarding various impact categories. For preliminary coordination

OCT 01 1993

of environmental materials, the consultant should contact appropriate local, state, and Federal agencies, and include their letters of response in the appendix of the EA. As a minimum, the preliminary draft EA should be coordinated with the following (if affected):

- the local Council of Governments (COG's), Metropolitan Planning Office (MPO), or other similar local agency.
- the State Historical Preservation Officer
- the state wildlife agency (regarding threatened and endangered species as well as biological resources)
- the state air and water control agencies
- the U.S. Agriculture Soil Conservation Service (regarding prime farmlands)
- the U.S. Army Corps of Engineers (regarding wetlands and potential Section 404 permits)
- the U.S. Department of Interior Fish and Wildlife Service (regarding threatened and endangered species as well as biological resources)

It is recommended that the draft EA include a list of all agencies included in the coordination process.

Depending on circumstances (magnitude of the project, special environmental considerations, etc.), other agencies should also be contacted for input into the content of the draft EA (see 5050.4A for additional guidance). For example:

- If 100-year floodplain areas will be involved, contact with Corps of Engineers and Federal Emergency Management Agency (optional) should be documented.
- If Coastal Zone Management Areas (Michigan, Wisconsin, Minnesota, or Ohio (soon to be included)) are involved, the State agency responsible for management of the Coastal Zone should be contacted.
- If Wild and Scenic River Areas affected, the National Park Service should be contacted.

c. Joint Lead Agency/Cooperating Agency. The degree to which state and local agencies can be involved is dependent upon whether a state agency has statewide jurisdiction; or what type of state/local environmental laws/regulations exist. The same is true for other Federal agencies.

These distinctions are important in determining what roles agencies may play in the preparation of or contracting for the preparation of an environmental impact statement. The context of joint lead or cooperating agencies as discussed below refers to state/local agencies.

OCT 01 1993

On rare occasions the FAA may be a cooperating agency with another Federal element. For example, the FAA may be a cooperating agency with the U.S. Air Force in the preparation of an environmental document involving conversion of a military base to civil aviation use. This is not covered by this PPM specifically and AGL-610 should be consulted in such cases.

(1) Joint Lead Agencies (reference NEPA Section 102(2)(D)).

(a) NEPA advises that joint lead agency states are those whose agencies/officials, having statewide jurisdiction/responsibility for implementing major Federal actions funded under a program of grants to states, prepare EIS's required by NEPA.

Pursuant to section 10292)(D) of NEPA, such states may act as a joint lead agency in the preparation of an FAA EIS as long as the FAA furnishes guidance and participates in such preparation; and independently evaluates the EIS prior to its approval. Currently, there is no such legislation specific to FAA's programs that would permit or preclude such an effort.

(b) "NEPA-Like" State or Local Agencies are those such states or agencies which are subject to state or local requirements comparable to NEPA requirements for EIS's (reference CEQ 1506.2(c)). Such agencies, unless specifically barred from other law, may, to the fullest extent possible, jointly prepare EIS and may be considered to be a joint lead agency with the FAA.

Currently, joint lead agency agreements have been executed in the Great Lakes Region with the states of Michigan, Wisconsin and Minnesota.

(2) Cooperating Agencies. State or local agencies which do not qualify as joint lead agencies under conditions (c(1)a and c(1)b. above, may be invited by the ADO to be cooperating agencies if they have jurisdiction by law or special expertise with respect to the environmental impacts involved. Also, ADO's may invite other Federal agencies to be cooperating agencies whose jurisdiction by law is found in areas which may be affected by airport development or with specialized expertise.

For example, when the effects are on an Indian reservation, an Indian Tribe, may by agreement with the FAA become a cooperating agency. The ADO should coordinate consideration of potential cooperating agency situations with AGL-610 before initiating contacts.

The cooperating agency's role is limited to providing information and analyses within its own area of special expertise or jurisdiction (CEQ 1501.6(b)). For example, the state transportation department may be an expert on rail, highways and aviation, etc. It may not, however, be an expert on fish and wildlife. It may, however, obtain such data or expertise by contract under its own procedures.

A cooperating agency may select environmental assessment consultants or Sponsor EIS contractors. A cooperating agency would not be expected to select a contractor to prepare the FAA EIS (except in the case of a NEPA-like state or block grant state).

OCT 01 1993

d. Memorandum of Understanding Regarding Sponsor's EIS Contractor.  
The ADO is responsible for negotiating a Memorandum of Understanding (MOU) between the airport Sponsor and the FAA regarding the responsibilities of the parties and procedures to be followed in the development of the EIS.

Normally, the parties involved are limited to FAA and the airport Sponsor. However, in NEPA-like states, where a joint lead agency agreement exists, the state may also become a party to the Memorandum of Understanding. The intent then expands to incorporate the concept that development of EIS will satisfy pertinent environmental requirements of FAA, and the Joint Lead Agency (state), where appropriate. Currently, joint lead agency agreements have been executed with the states of Michigan, Wisconsin and Minnesota.

The objective of the MOU is to outline this intent of the parties and define the relationship. The main reason for retaining a Sponsor's contractor selected by the FAA to prepare an EIS is to ensure that the environmental process follows Council of Environmental Quality (CEQ) guidance requiring that the FAA "select" the contractor. The FAA, further to Section 1506.(c) of the CEQ regulations should select the EIS contractor. The EIS contractor is responsible for preparing an EIS that meets the requirements of the NEPA regulations and FAA's environmental procedures.

The ADO should ensure that the MOU is signed before selection of consultant. The MOU establishes the basic ground rules that will be followed in the selection and direction of an EIS contractor. Airports Division standard MOU's are provided in Appendix 14. A regional attorney provided input to their development. Below are highlights of what should be included in the MOU's. Special circumstances may necessitate deviation from the examples given, i.e., a joint lead agency acting as the agent for the Sponsor or the joint lead agency itself being a Sponsor.

It is important that the MOU should be clear in its introduction as to the purpose of the MOU, i.e., the reason for MOU, a description of the project and related actions. It also should explain the relationship to the joint lead agency agreement (if appropriate). If the latter is affected, the MOU takes precedence over the joint lead agency agreement (for a specific project).

The MOU should include the general provisions within which the Sponsor is to engage a contractor (usually a professional environmental planning consultant) to ensure adherence to CEQ regulations, FAA guidance related to NEPA, and state and local laws, particularly any NEPA-like requirements. It should be clear that FAA will make the final decisions regarding the scope and content of the environmental data in the EIS. In cases involving joint lead agencies, the FAA may share responsibility with the joint lead agency to the extent necessary to meet state NEPA-like requirements.

The MOU should require that the contract between Sponsor and the EIS contractor be consistent with provisions of the MOU, including a requirement that a disclosure statement be provided by the Sponsor's EIS contractor that specifies that the contractor has no financial or other interest in the project. Appendix 14 provides a sample agreement.

The scope of work may be amended at any time during the contract period upon agreement of all parties (FAA, Sponsor, Contractor).

OCT 9 1 1993

The ADO may not preclude Sponsor (and joint lead agency) communication with contractor during the development of the EIS. The Sponsor (and joint lead agency) will not generally be afforded "prior" review or editing of data developed by the contractor, i.e., the Sponsor (and Joint Lead Agency) should not review, or edit the contractor's work prior to submission to FAA. The Sponsor should advise the FAA of any concerns regarding the contractor's work at the same time the concern is communicated to the contractor.

On rare occasions the ADO may run into a situation where for some reason the Sponsor or FAA wants to terminate the environmental process, e.g., determine that the project is no longer needed or justified, disagreement between parties over project findings, etc. In this and other situations where either FAA or the Airport Sponsor desire to terminate the MOU it should be for good cause and allow for 30 days written notice.

During this period, the parties should attempt to resolve differences. If a joint lead agency is involved, their dropping out will not terminate agreement between FAA and Sponsor. If Sponsor drops out, the EIS process will be terminated.

The MOU may be modified by the parties only by written agreement of all parties. The provisions of the MOU can only be enforced by the parties signatory to the agreement. Other parties not signatory do not have any rights of enforcement.

e. Sponsor EIS Contractor Selection. Any Sponsor's EIS contractor must be both technically qualified and have the ability to execute a disclosure statement regarding potentially conflicting interests. The disclosure statement is needed to ensure objectivity in the EIS process. To be objective, the contractor must not have any current or be aware of any future financial (or other) interest in any project resulting from the Federal action being considered (see paragraph 6f. for further details).

The steps used in the selection of the Sponsor's Contractor by FAA or the joint lead agency are shown generally in Figure 6c. Contractor selection by the FAA should be accomplished by procedures that best fit the project. The selection process can vary depending on what the state aeronautical agency's relationship is to the FAA and to the Sponsor. State aeronautical agencies who are joint lead agencies by agreement with FAA, can participate in the selection process in a status equal to that of the FAA. The states of Michigan, Minnesota and Wisconsin have such agreements.

The preliminary EIS Scope of Work is normally prepared by the Sponsor with input from the ADO. Several examples of scopes of work are found in Appendix 14, Exhibits 14A-1b and 14A-2b. They vary primarily based on previous work accomplished by the Sponsor or work currently underway in the environmental process.

The ADO should request that the Sponsor coordinate with the ADO the content of the advertisement for an EIS contractor. The Sponsor is responsible for all the arrangements pursuant to local procurement requirements. As a necessary step in the selection of a Sponsor's EIS Contractor, the Sponsor normally solicits from potential contractors Requests for Qualifications (RFQ's) or

OCT 01 1988

Requests for Proposals (RFP's). If any inquiries during the solicitation process are received by the ADO, they should be re-directed to the Sponsor.

After the Sponsor has received the RFQ/RFP they should conduct an evaluation of the potential contractors without ADO involvement. This evaluation should normally result in a Sponsor's short-list of approximately 2 to 4 proposals depending on how many there were at the beginning. The Sponsor should submit the compiled results of their evaluation to ADO including the recommended selection. The level of detail included in the evaluation provided to the ADO should be the same as that required of the selecting official or board in the local procurement process.

When the interviews are held, the Sponsor conducts the interviews. The ADO will not normally participate.

Upon completion of the FAA's internal selection process (see Figure 6c), the ADO will advise the Sponsor of the final selection. A sample of this type of letter is found in Appendix 14, Exhibit 14\_\_\_ (to be developed).

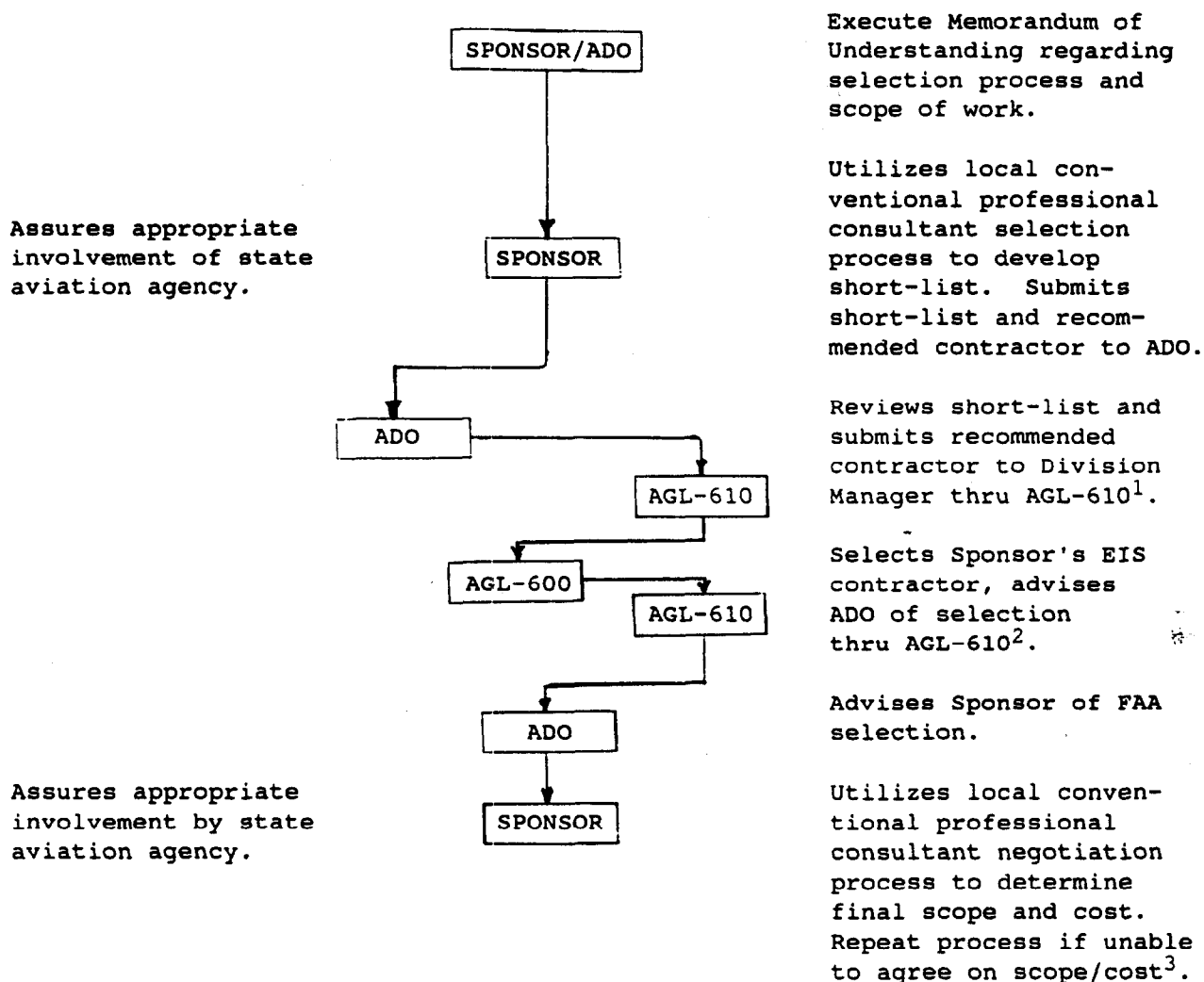
The State/Sponsor then negotiates a final scope of work and cost estimate with the contractor. The final scope of work must be approved by the ADO.

f. Contractor Disclosure. 40 C.F.R. 1506.5(c) requires that contractors working on Environmental Impact Statements execute a disclosure statement specifying that they (the contractors) have no financial or other interest in the outcome in the preparation of the Environmental Impact Statement.

Contractors, who are selected by the FAA to prepare an Environmental Impact Statement (EIS), must sign a disclosure statement as a condition of their contract with the Sponsor. The disclosure statement affirms that the contractor has no financial or other interest in the outcome of the project.



OCT 0 1 1993

**FIGURE 6A FLOWCHART FOR SELECTION OF SPONSOR EIS CONTRACTOR**

- 1 If ADO recommends firm other than that recommended by Sponsor, justification should be provided.
- 2 If AGL-600 selects firm other than that recommended by ADO, feedback will be provided to ADO.
- 3 ADO must approve final scope of work. Costs are not reviewed by ADO unless federal funds are involved (and only then if the ADO has substantive reason to believe they are unreasonable).

OCT 01 1983

FAA Order 5050.4A, paragraph 76e. (a reference to the requirements of 40 C.F.R. 1506.5(c)) directs that the disclosure statement include language equivalent to the following: "we (name of firm), do hereby certify that we have no financial or other interests in the execution or outcome of the proposed development at (airport)."

All airport sponsors generally include the following language in contracts with consultants who prepare environmental impact statements (EIS):

"The Consultant covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Contract. The Consultant further covenants that in the performance of this contract, no persons having any such interest shall be employed."

This Contract disclosure statement language, is normally acceptable by an ADO for inclusion in Sponsor's EIS contract to meet the requirements of 40 C.F.R. 1506.5.

The FAA will not select a Sponsor's EIS contractor who has at that time, and during the life of the contract, a financial or other interest in the outcome of the proposal. For example, a firm which has a contract to prepare an EIS for airport development cannot, at the same time, have a contract to perform construction work (or its professional supervision) or be the owner of the construction site. Project planning, geotechnical, survey or design work which is performed concurrent with the environmental process or is otherwise not dependent on the outcome of the environmental decision making process is not a conflicting interest.

As long as there are no such separate interests or arrangements, and the contract for the EIS preparation does not contain any incentive clauses, or guarantees of future work, a conflict of interest situation should not arise. This prohibition does not prevent the EIS Contractor from being considered for subsequent work, which may be associated with the project.

#### Final Note:

*The President's Council on Environmental Quality provided additional guidance to agencies such as FAA with regard to NEPA Regulations specific to the execution of a disclosure statement. Question 17a. of a March 16, 1981 CEQ memorandum, entitled "Questions and Answers About the NEPA Regulations", notes that, "When a consulting firm has been involved in developing initial data and plans for the project, but does not have any financial or other interest in the outcome of the decision, it need not be disqualified from preparing the EIS. However, a disclosure statement in the draft EIS should clearly state the scope and extent of the Firm's prior involvement to expose any potential conflicts of interest that may exist."*

*The FAA normally does not require such a disclosure statement to be placed in the draft EIS. Rather, as a result of recent litigation, the FAA requires a statement executed by the Sponsor's EIS contractor, and evaluates such disclosure statement. The FAA then decides that should a conflict exist, what measures the agency should take in response (and will take any appropriate action promptly).*

OCT 01 1993

Appendix 14, Exhibits 14B-1, 14B-2, and 14B-4 are samples of types of disclosure statements that may be encountered.

g. Notice of Intent and Scoping. FAA Order 5050.4A and CEQ regulations are silent on several issues with regard to scoping for environmental impact statements and the filing of a notice of intent to prepare an environmental impact statement in the Federal Register. This PPM provides regional guidance that is in consonance with the intent of these regulations.

Scoping is a tool used to discover alternatives to a proposal, or identify potential impacts that may be otherwise overlooked. The general requirement for scoping is contained in CEQ 1501.7, which provides that "there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." FAA Order 5050.4A, paragraph 74.d further explains that "An effective scoping process should result in both a refinement and focus of material presented in the EIS, as well as a means to explain to subsequent reviewers why certain items were addressed in detail and others dismissed with little or no discussion."

In cases where an environmental assessment is prepared by the airport Sponsor to help an ADO decide whether an EIS may be appropriate, useful information might result from early participation by other agencies and the public in a scoping process. However, the regulations (reference CEQ 1508.22) advise as a minimum that the scoping process should be preceded by a Notice of Intent (NOI) to prepare an EIS.

Scoping may be initiated earlier, as long as there is appropriate public notice and enough information available on the proposal so that the public and relevant agencies can participate effectively. However, scoping that is done before the assessment, and in aid of its preparation, cannot substitute for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that this possibility was under consideration, and the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered.

Likewise, even if a Sponsor announces an intent to prepare an EIS for a specific location, the Sponsor still may issue another notice withdrawing that notice. Reasons why this may happen include the Sponsor deciding to withdraw its project, a determination that the thresholds of significance are not met, or the project has been revised significantly. Therefore, sometimes it is recommended that the notice state only that an environmental document will be prepared where it is not clear that an EIS will be required.

The responsible Federal official (in the ADO) assumes a key role in managing the preparation of environmental documents. In "Block Grant" situations, the state may assume this role for projects.

In the context of scoping, the responsible official is the official in charge of preparation of the environmental documents for the lead agency. Where joint lead agencies are involved, the other agency(s) may share in the responsibility for scoping with the FAA.

OCT 01 1993

Scoping is a major element in preparing environmental documents. The responsible official should insure that the Sponsor participates in the scoping process, however, the responsible official issues the notice of intent, invites the participation of other agencies and interested persons, inventories the issues to be analyzed in depth, and insures adequate input is provided to the environmental documents. To accomplish this, the responsible official will usually need to use contractual resources provided by the Sponsor.

The first step is described in CEQ Section 1501.7 as follows: "As soon as practical after its decision to prepare an environmental impact statement, and before the scoping process, the lead agency shall publish a notice of intent (CEQ 1508.22) in the Federal Register ..."

It is recommended that a "scoping document" be prepared and be sent to all interested parties - Federal, State and local agencies impacted or involved because of jurisdictional expertise. A sample scoping document is found in Appendix 13. This document should reach these entities on or shortly before the date the notice is published in the Federal Register.

FAA Order 5050.4A, paragraph 74b.(3), indicates that a scoping meeting, per se, is not required for every action requiring an environmental impact statement. Depending on the nature and complexity of the project, some or all of the information needed during the scoping process may be obtained by letter or telephone.

If a meeting format is chosen for scoping, there must be 30 days notice from date of publication in the Federal Register. While the scoping meeting is informal, a presiding officer acceptable to the FAA, should establish procedures governing the conduct of the meeting. In Appendix 13 are some guidelines for conducting such meetings.

A scoping meeting is usually informal and there is no requirement for a transcript. However, a summary of the meeting is required, and a tape or transcript backup may be useful on potentially controversial projects.

A file should be maintained of all information generated during the scoping process for inclusion in the administrative record, and, where appropriate, to be incorporated into the text of the EIS. It is recommended in FAA Order 5050.4A, paragraph 81.c. that the summary "... include a brief description of the scoping process, containing information on the time and place of any meetings, numbers in attendance, major areas of concern, items identified for detailed analysis, range of alternatives considered, and manner of resolution including assignment of responsibilities and allocation of resources."

h. Public Involvement and Public Notice Requirements. The ADO should encourage the Sponsor to initiate public involvement at the earliest practical time and continue it throughout the development of the proposed project. An effective opportunity to comment at appropriate stages in the decisionmaking process (at the local, state and Federal levels) should be provided to communities, citizen groups, and other individuals affected by airport proposals submitted to the FAA. As the EIS is normally based on an EA, the public involvement activities described in Chapter 5 are complete, or are conducted concurrent with the preparation of the EIS.

OCT 01 1993

Neither FAA Order 5050.4A nor the CEQ Regulations are explicit regarding public involvement in the scoping process; rather, they indicate that Notices of Intent should invite interested persons.

FAA Order 5050.4A, paragraph 74b.(1) indicates that a notice of intent similar to that published in the Federal Register should be also placed in the local media. One way to ensure interested citizen input is to have two scoping sessions. One would occur during the day for involved agencies and in the late afternoon or early evening hours a second scoping session could be held for local officials and interested residents (preferably represented by their leaders).

The Sponsor should also provide an adequate opportunity for the public to review and comment on the draft and final statements. In accordance with section 509(b)(6) of the AIP Act, the opportunity for public hearings shall be offered on any action involving airport location, location of a new runway, or major extension of a runway. For other actions, the need for a public hearing should be considered as outlined in Chapter 5 and described in more detail in Appendix 15.

FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning, has additional specific guidance on community involvement and standard procedures for Federal agency public involvement are referenced by CEQ 1506.6.

To save time, the Sponsor may integrate the public hearing 30-day public notice requirements to run concurrent with 45-day comment period on Draft EIS. As mentioned in Chapter 5, at the time of the announcement of the public hearing, the documents on which it is based must be available to the public.

The Sponsor should insure that a mailing list is assembled and maintained for distribution of environmental documents. The list will include Federal, state elected officials, local citizen groups, organizations, interest groups, and other interested parties. The EIS contractor or the Sponsor's EA consultant should supervise the preparation and maintenance of the list and the issuance of FAA notices and press releases.

i. Draft Environmental Impact Statement (DEIS) Format/Preparation/Distribution. CEQ 1502 recommends a standard format which is to be followed: (a) Cover Sheet, (b) Summary, (c) Table of Contents, (d) Purpose of and Need for Action, (e) Alternatives Including Proposed Action, (f) Affected Environment, (g) Environmental Consequences, (h) List of Preparers, (i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent, (j) Index, and (k) Appendices (if any).

The Sponsor's EIS Contractor will normally be responsible for preparing the preliminary DEIS. This "preliminary" DEIS is for the FAA's internal review. This will include documentation of the results of the project coordination and analyses. The DEIS is submitted to the FAA through the ADO for review and comment. The preliminary DEIS will normally be based on the Sponsor's EA; however, it may be based on other environmental documentation. The DEIS will be organized in a format consistent with FAA Order 5050.4A, particularly paragraphs 80 through 89.

OCT 01 1993

Any FAA comments on the preliminary DEIS should be incorporated into the DEIS document by the Sponsor's EIS contractor. If EA/EIS is to be concurrent (as will normally be the case for future actions), then the Sponsor's EIS Contractor will provide supervision over the Sponsor's EA consultant in printing and distributing the document.

At least forty (40) copies (or other such specified number) of the preliminary DEIS should then be printed and provided to the FAA by the Sponsor's EIS contractor for distribution; or the distribution may be alternatively performed by the Sponsor's EIS contractor or EA consultant, as may be specified in the scope of work.

The ADO will be responsible for providing the DEIS distribution list and signing the distribution letters on FAA letterhead (as prepared by the Sponsor's EIS Contractor). A sample cover letter is provided in Appendix 8. The Sponsor's EIS Contractor will normally be responsible for supervising the Sponsor's environmental assessment consultant in the DEIS distribution, preparation of a newspaper notice of availability and publishing the notice (as may be specified in the appropriate scope of work).

j. Draft EIS Filing and Establishing Time Limits for Review.

Concurrent with the distribution of the DEIS, five copies of the final draft EIS shall be filed with U.S. EPA (CEQ 1506.4) by the ADO or the Sponsor's EIS contractor on behalf of the ADO with a copy to AGL-600. The EPA will subsequently publish a notice in the Federal Register (CEQ 1506.10) which will begin the 90-day time period after which action (approval of the Final Environmental Impact Statement execution of the Record of Decision) can be taken.

These five copies of the DEIS shall be sent to: Office of Federal Activities, Management Information Unit (A-104), Environmental Protection Agency, Room 2119, Waterside Mall, 401 M Street SW, Washington, DC 20460. A sample transmittal letter is shown in Appendix 6, Exhibit 6. In seeking comments, the ADO may establish a time limit of not less than 45 days from publication of the notice by EPA in the Federal Register. Fifteen-day extensions will normally be granted when requested by other agencies.

When section 4(f) is involved, a 60-day review period is normally required by the Department of Interior.

Time limits shall take into account the magnitude and complexity of the Draft EIS and degree of public interest in the proposal. All DEIS documents shall be mailed (by the ADO, the Sponsor's EIS contractor, or the Sponsor's environmental assessment consultant--as may be specified) to the agencies and individuals identified to receive a copy for review. These documents should be mailed by close of business on the same day that the documents are filed with EPA.

All DEIS's filed during the week are advertised in the Federal Register by the U.S. EPA on Friday of the following week. For example, if the ADO desires a Federal Register publication notice of Friday, November 26, then the DEIS must be physically in the hands of EPA's Management Information unit on Friday, November 19.

OCT 01 1993

k. Response to Comments (Draft EIS). As the comments are received by FAA on the Draft EIS within the 45-day (or longer) comment period, the ADO will provide the Sponsor's EIS Contractor and the Sponsor a copy (or alternatively the ADO may direct that the contractor's address be utilized as the "FAA response address" and direct the contractor to provide FAA and the Sponsor with the necessary copies). Whichever method is used should be included in the contract scope of work for the Sponsor's EIS contractor.

The Sponsor's EIS contractor will then identify the comments for which a response is needed. The FAA will subsequently review all comments, taking into account and evaluating the contractor's recommendation for disposition.

It is expected that, in general, comments will require one of two types of action. Either the matter has been discussed adequately in the Draft EIS, or it needs further discussion. In the former case, a brief explanation will be prepared by the Sponsor's EIS contractor regarding the adequacy of the environmental documentation with respect to the comment, with a reference to the appropriate section(s) in the DEIS. In the latter case, a course of action will be recommended by the contractor, and FAA will determine if additional investigations or studies and/or modified material is necessary for inclusion in the Final EIS in response to the comment.

In the event that additional investigations or studies are prepared by others (generally, these will be prepared by the same party who prepared the environmental assessment), the Sponsor's EIS contractor will be responsible for supervising its adequacy and recommending to FAA an appropriate response to the comment. This process will be accomplished pursuant to the "scope of work" provision regarding same. The ADO will determine the final adequacy of the responses.

1. Final Environmental Impact Statement (FEIS) Preparation and Distribution. The Sponsor's EIS contractor will be responsible for preparing a preliminary FEIS. This "preliminary" FEIS is for the FAA's internal review. The Sponsor's EIS contractor will document in the preliminary FEIS the results of the project coordination and analyses. The preliminary FEIS will include any changes required in response to comments provided during the 45-day comment period (for the DEIS). The FEIS format will remain essentially the same as the Draft EIS.

The FAA's comments on the preliminary FEIS will be incorporated into the FEIS document. If the EA/EIS is to be concurrent (as is normally the case) then the Sponsor's EIS contractor will provide supervision over the Sponsor's environmental assessment consultant in printing and distributing the document. In rare cases when that approach is not being used, the Sponsor's EIS contractor will also be responsible for printing and distributing the document.

As with the DEIS at least forty (40) copies (or other such numbers as may be outlined in the scope of work, see draft in Appendix 14) of the preliminary FEIS should then be printed and be provided for distribution by either the contractor or the FAA as specified in the scope of work.

The ADO will be responsible for finalizing the FEIS distribution list and signing the distribution letters on FAA letterhead (as prepared by the Sponsor's EIS contractor). A sample cover letter is provided in Appendix 6.

OCT 01 1993

The Sponsor's EIS contractor will normally be responsible for supervising the Sponsor's environmental assessment consultant in the FEIS distribution, preparation of a newspaper notice of availability and publishing the notice (as may be specified in the appropriate scope of work).

m. Final EIS Filing. Concurrent with the distribution of the FEIS, five copies of the Final EIS shall be filed with U.S. EPA per CEQ 1506.9. The EPA will subsequently publish a notice in the Federal Register per CEQ 1506.10 which will begin the 30-day hold period after which action (execution of the Record of Decision), including the Federal action, i.e., airport layout plan approval) can be taken.

These five copies of the FEIS shall be sent to: Office of Federal Activities, Management Information Unit (A-104), Environmental Protection Agency, Room 2119, Waterside Mall, 401 M Street, SW, Washington, DC 20460. A sample transmittal letter is shown in Appendix 6.

All FEIS documents should be mailed (by the ADO, the Sponsor's EIS contractor, or the Sponsor's environmental assessment consultant--as may be specified) to the agencies and individuals identified to receive a copy for information by close of business of the day that the documents are filed with EPA.

As with the DEIS, FEIS's filed during the week are advertised the next Friday in a Federal Register Notice.

n. Publication/Distribution. The ADO may furnish an information copy of the Final Environmental Impact Statement to any internal FAA element upon specific request. As these documents are often costly to reproduce, the requests should be justified and include the intended use of the material. The ADO should also distribute copies of the ROD to the Sponsor (and the state aviation agency) to ensure the announcement by the Sponsor (or state) of the availability of the ROD. See Chapter 7, Environmental Decision Documents of this PPM for further details of the announcement process.



OCT 01 1993

**FIGURE 6B FLOWCHART FOR ENVIRONMENTAL IMPACT STATEMENTS (EIS)  
COORDINATED UNDER SECTION 102(2)(C) OF NEPA**

Identifies Problem  
Develops Planning  
Alternatives  
Proposes Projects/Actions

EA by Sponsor's  
Consultant Coordinates  
with Relevant Federal  
State & Local Agencies.

Holds Public Hearing if  
Required, Consolidates/  
Responds to Comments &  
Then Forwards Completed  
EA to ADO

Advertises RFQ/RFP for EIS  
Contractor, Shortlists,  
Interviews, & Recommends  
Choice to ADO.

EIS Contractor prepares  
scoping document and assists  
with Scoping Meeting

SPONSOR

ADO

SPONSOR

ADO

Public Hearing  
Required

Yes

SPONSOR

ADO

ADO

SPONSOR

ADO

SPONSOR

go to next page

Review Proposed Development/  
Action. Determine that  
EA Required.

Review Sponsor's Preliminary  
EA. Determine if Opportunity  
for Public Hearing is  
required.

No

No Public  
Hearing Required

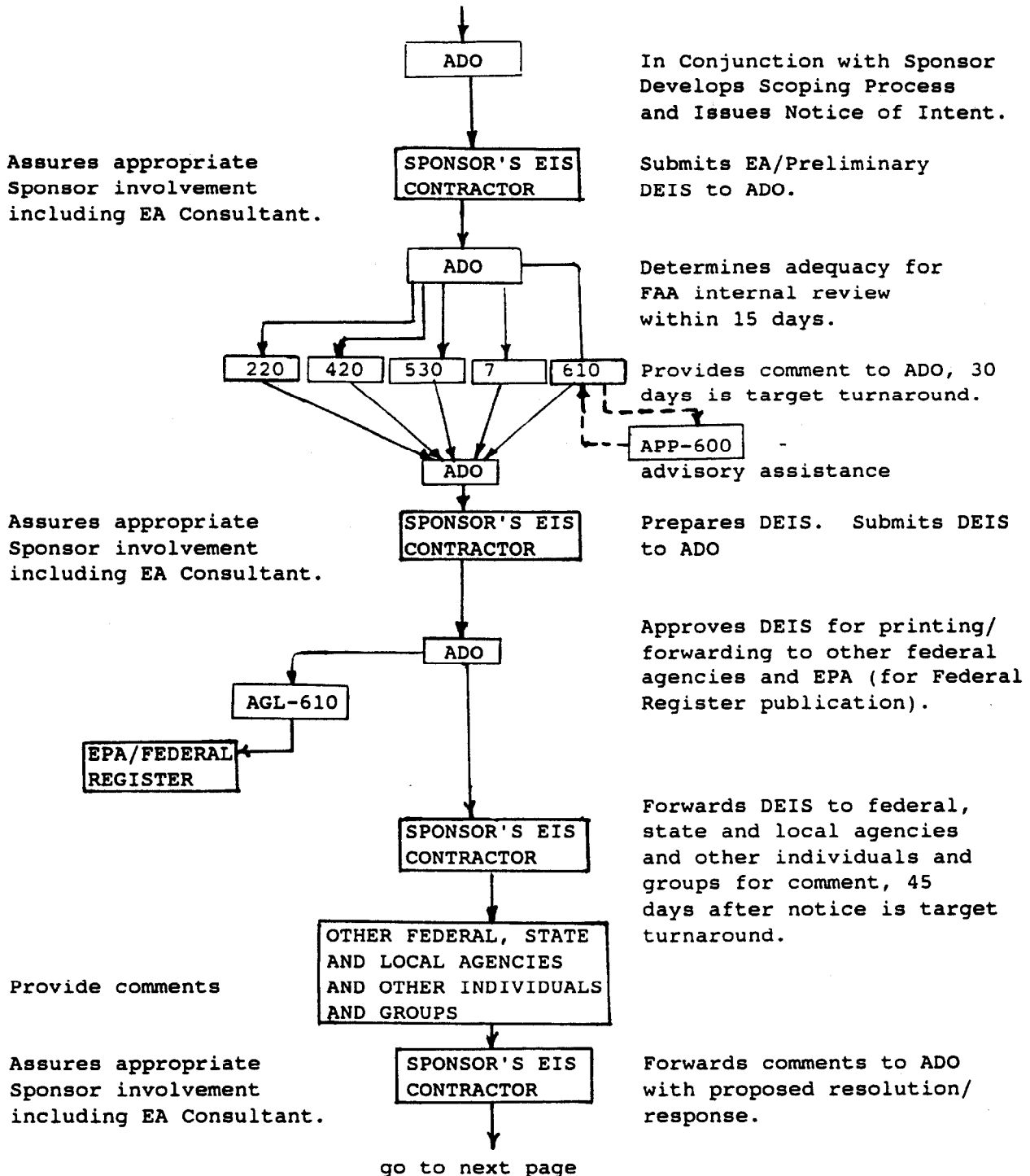
Reviews Sponsor's Final  
EA & Takes Responsibility  
by Signing

Determines that EIS is needed.

Selects EIS Contractor

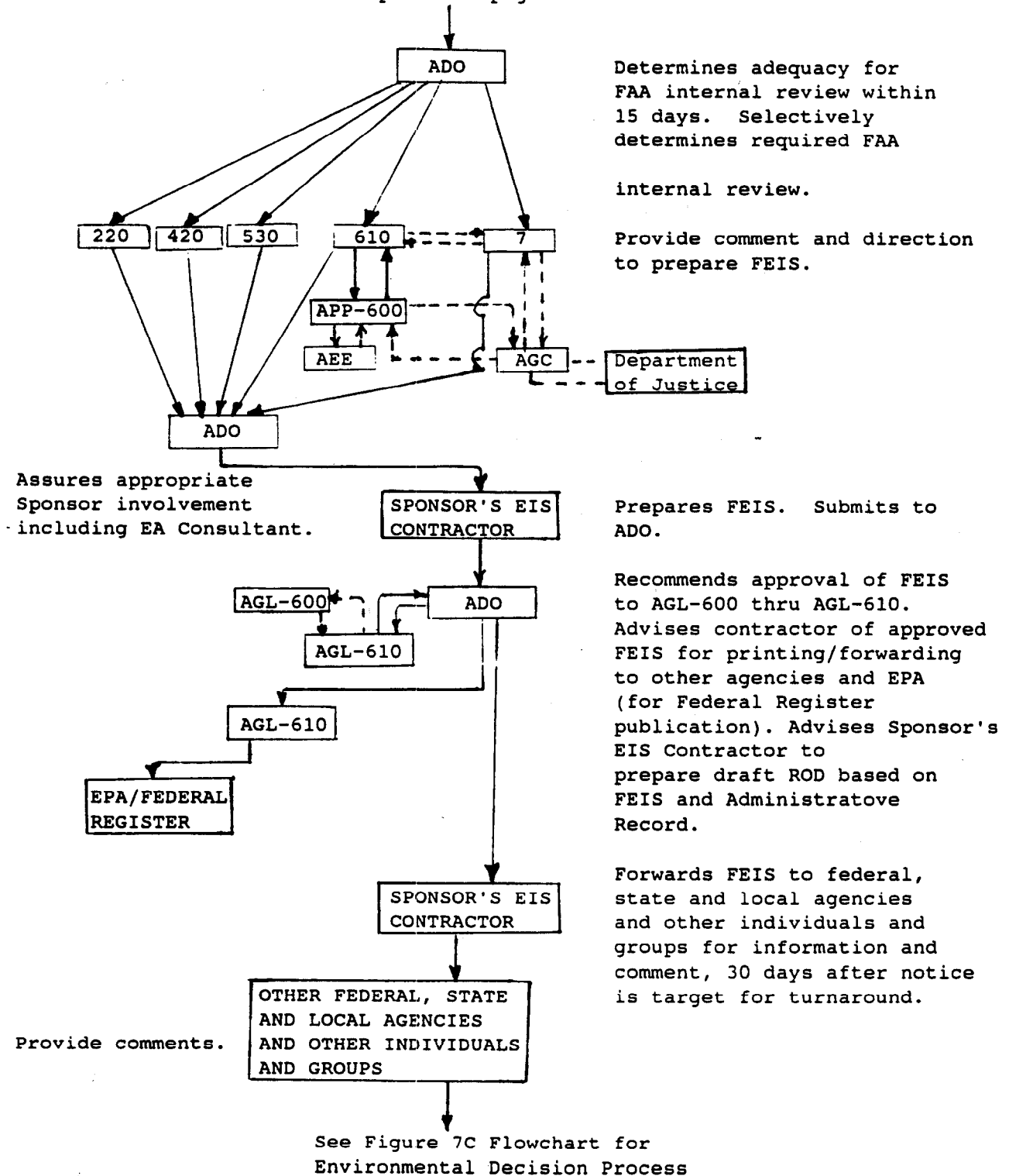
OCT 01 1993

**FIGURE 6B** FLOWCHART FOR ENVIRONMENTAL IMPACT STATEMENTS (EIS)  
COORDINATED UNDER SECTION 102(2)(C) OF NEPA (cont.)  
 from previous page



OCT 01 1993

**FIGURE 6B** FLOWCHART FOR ENVIRONMENTAL IMPACT STATEMENTS (EIS)  
COORDINATED UNDER SECTION 102(2)(C) OF NEPA (cont.)  
 from previous page



7. Environmental Decision Documents. This guidance is provided to supplement FAA Order 5050.4A and the Council of Environmental Quality (CEQ) guidelines (reference paragraphs, 1501.4 and 1506.6) regarding Environmental Decision Documents, i.e., Findings of No Significant Impact (FONSI) for Environmental Assessments and Records of Decision (ROD) for Environmental Impact Statements/Environmental Assessments.

An Environmental Decision Document is essentially a comprehensive summary of the agency's "Administrative Record" (see Chapter 9). It includes the agency's evaluation and technical analysis of a proposal (and alternatives to that proposal). It reports the agency's findings/determinations affecting the proposal and describes the agency's decisions about the proposal, including actions taken, or to be taken, in implementing the selected course of action based on the proposal.

a. Format/Preparation.

(1) Categorical Exclusion Determination (CatEx). The ADO (or the State Block Grant Agency for airport development actions under the State Block Grant Program) reviews information provided by the sponsor in its pre-application, against the standard categorical exclusions listed in FAA Order 5050.4A. This process is summarized in the CatEx Checklist found in Appendix 4, Exhibit 4A. If the ADO (or State Block Grant Agency) determines that a Categorical Exclusion decision is appropriate, the signed CatEx Checklist with attached supporting data becomes the basis for the Categorical Exclusion decision document. A Memo to the file is prepared and signed making the actual Categorical Exclusion determination. A sample memorandum is found in Appendix 7, as Exhibit 7A.

(2) Finding of No Significant Impact (FONSI). If the ADO or the State Block Grant Agency (for airport development actions under the State Block Grant Program) determines on the basis of an environmental assessment (EA) not to prepare an environmental impact statement (EIS), it must prepare a Finding of No Significant Impact (FONSI), which is a document briefly presenting the reasons why an action, not otherwise excluded (Categorical Exclusion), will not have a significant effect on the human environment.

The process for a FONSI is shown in Figure 7B.

There are several special assurances, conclusion, and findings which apply to Airport Improvement Program projects, to projects involving the use of section 4(f) lands, to projects involving the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and to other environmental areas. If any of these special assurances, conclusions, or findings apply to a proposed action, they should be based on appropriate analyses and evidence in the FONSI or the EA.

The CEQ Regulations do not specify a format for a FONSI. They advise that the document should include the environmental assessment or a summary of it; and should note any other environmental documents related to it.

If the assessment is included, the finding need not repeat any of the discussion in the assessment, but rather may incorporate it by reference (see

OCT 01 1993

also FAA Order 5050.4A, Paragraph 62.b). Appendix 7, Exhibit 7C shows a suggested format for a FONSI.

(3) Records of Decision for Mitigated Finding of No Significant Impact (Mitigated FONSI/ROD). It is sometimes necessary to prepare a record of decision for a Mitigated FONSI because it is borderline as to whether an EIS should have been prepared. The record of decision should explain:

(a) What the decision is on the proposed federal action and why an EIS had not been prepared.

(b) Identify all alternatives considered by the agency in reaching its decision, specifying those considered to be environmentally preferable. Also, this is the place to discuss preferences based on other relevant factors including economic and technical considerations, and agency statutory missions.

(c) What measures have been included as an integral part of the project to avoid or minimize environmental harm. A monitoring and enforcement program should be adopted and summarized where applicable for the mitigation.

The process for coordinating a Mitigated FONSI/ROD is shown in Figure 7B.

There are several special assurances, conclusions, and findings which apply to Airport Improvement Program projects, to projects involving the use of section 4(f) lands, to projects involving the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and to other environmental areas. If any of these special assurances, conclusion, or findings apply to a proposed action, they should be based on appropriate analyses and evidence in the Mitigated FONSI/ROD, although the findings themselves will not be made until the decision on the Federal (State Block Grant) action.

The CEQ Regulations do not specify a format for a Mitigated FONSI/ROD. They advise that the document should include the environmental assessment or a summary of it, and should note any other environmental documents related to it.

If the assessment is included, the finding need not repeat any of the discussion in the assessment, but rather may incorporate it by reference (see also FAA Order 5050.4A, Paragraph 62.b). Appendix 7, Exhibit 7D shows a suggested format for a Mitigated FONSI/ROD.

(4) Record of Decision for an Environmental Impact Statement (ROD EIS). A record of decision should be prepared to ensure consistency with NEPA. The CEQ guidelines advise that records of decision should be prepared where an environmental impact statement is required. Section 1505.2, under those guidelines (Appendix 7, Exhibit 7D in this PPM), advises that the record (similar to the EIS) should include:

(a) The decision on the proposed Federal actions.

(b) All alternatives considered by the agency in reaching its decision, specifying those considered to be environmentally preferable.

OCT 01 1992

Also, this is the place to discuss preferences based on other relevant factors, including economic and technical considerations, and agency statutory missions.

(c) All practicable means adopted to avoid or minimize environmental harm and if not, why not. A monitoring program should be adopted if appropriate and summarized where applicable for any mitigation.

*(Note: Any direct monitoring program shall be the responsibility of the Sponsor, and the program noted in the ROD. FAA grant assurances and other Federal agreements provide adequate vehicles of any necessary Federal oversight.)*

FAA Order 1050.1D, paragraph 96 specifies that the record of decision should include any mitigation measures which were made a condition of approval of the EIS. It is important to note that a ROD records the decision made in an environmental impact statement, which also serves as an impact disclosure document.

Records of Decision (and FONSI's), if appealed, afford the agency its first opportunity to explain to the court what it is the agency has done and why it is eminently reasonable. Since a record of decision may constitute the first opportunity to inform a court, it may be at times to be a prudent resource investment to exceed minimal CEQ requirements both as to when and how decision documents are prepared.

b. Coordination Requirements.

(1) Categorical Exclusion Determination. The ADO (or State Block Grant Agency) does not coordinate the decision document with any other division or Regional staff.

(2) Finding of No Significant Impact. All proposed Findings of No Significant Impact shall be reviewed by affected FAA program divisions and staff officials at the regional level before approval. The process for coordinating a FONSI is shown in Figure 7A. Findings of No Significant Impact may be approved without headquarters level review or other formal Federal review unless such review is required under some special purpose law, regulation, or executive order.

(3) Mitigated Finding of No Significant Impact - Record of Decision (Mitigated FONSI-ROD). All proposed Records of Decision for Mitigated Findings of No Significant Impact shall be reviewed by affected FAA program divisions and staff officials at the regional level before approval. The process for coordinating a Mitigated FONSI - ROD is shown in Figure 7B. A Mitigated Finding of No Significant Impact - ROD may be approved without headquarters level review or other formal Federal review unless such review is required under some special purpose law, regulation, or executive order. Detailed coordination requirements for a Mitigated FONSI/ROD are listed in Exhibit 7E in Appendix 7.

(4) Final Environmental Impact Statement Record of Decision (FEIS ROD). All proposed Records of Decision for Environmental Impact Statements shall be reviewed by affected FAA program divisions and staff officials at the regional level before approval. The process for coordinating a Final

OCT 01 1993

Environmental Impact Statement - Record of Decision (ROD) is shown in Figure 7C. Records of Decision may be approved without headquarters level review or other formal Federal review if delegated the authority to sign the Environmental Impact Statement, unless such review is required under some special purpose law, regulation, or executive order. (See also 5050.4A para. 98c and d.) Detailed coordination requirements for a Final Environmental Impact Statement (FEIS)/ROD are listed in Exhibit 7E in Appendix 7.

(5) Other Notes--Coordination.

(a) At any time proposed changes in the proposed project are being considered, those changes should be communicated to the responsible agency unit for their review in order that they may update their program positions on the proposal.

(b) When the Sponsor submits the environmental documentation for agency review and approval, that documentation is coordinated under established procedures with a copy of the program unit's prior responses (if any) to facilitate their further review of the documents.

(c) Any proposed changes (or deletions) of mitigation measures (at the time of the Record of Decision) which were a condition of approval of the environmental impact statement shall be reviewed by the same FAA offices which reviewed the FEIS (if in the opinion of the ADO they are materially affected) and must be approved by the FEIS approving official.

(d) If the ADO wishes to take an action at the time of the Record of Decision which was included within the range of alternatives of an approved FEIS but was not the preferred alternative as identified in the FEIS, the ADO shall first coordinate the draft ROD with the same FAA offices who provided input in the FEIS approval process. These offices will normally provide no comment, or comment to the effect that specific mitigation measures should be incorporated in the record. Any re-coordination with DOT, if necessary, will be handled by APP-600 through AGL-610.

c. Publication/Distribution. This guidance is provided to supplement FAA Order 5050.4A and the Council of Environmental Quality (CEQ) guidelines (reference paragraphs 1501.4 and 1506.6) regarding public availability of environmental decision documents, i.e., Categorical Exclusion Determinations, Findings of No Significant Impact (FONSI) for Environmental Assessments and Records of Decision (ROD) for Mitigated FONSI and Environmental Impact Statements.

(1) Categorical Exclusion Determinations. After making a Categorical Exclusion Determination, the ADO normally doesn't publish or distribute a Categorical Exclusion Determination. The determination is included with any preapplication to fund the action categorically excluded.

(2) FONSI. After a Finding of No Significant Impact involving Federal coordination is approved, the ADO shall send one copy of the approved package to any reviewing agency which had substantive comments. Otherwise, publication and distribution shall be as previously specified in paragraph 5.e.

OCT 01 1993

(3) **Record of Decision - Mitigated FONSI.** After a Record of Decision is approved for a Mitigated FONSI, the ADO shall send one copy of the approved package to any reviewing agency which had substantive comments on the mitigated EA. Otherwise, publication and distribution shall be as previously specified in paragraph \_\_\_\_.

(4) **Record of Decision - FEIS.** After a Record of Decision is approved for a Final Environmental Impact Statement (FEIS), the ADO shall send one copy of the approved package to any reviewing agency which had substantive comments on the FEIS and one copy to APP-600. Otherwise, publication and distribution shall be the same as that previously specified in paragraph 6.n.

In implementing the CEQ guidelines, Order 5050.4A generally advises that the regional office shall formulate a system for announcing the availability of environmental decision documents other than categorical determinations through appropriate media in the area affected, and in cooperation with the Sponsor of the project. In the Great Lakes Region the ADO's are to work with the Sponsor and/or state aviation agency to announce the availability of FONSI's and RODs.

Therefore, when the ADO sends out a notification letter to the Sponsor/state aviation agency that the ADO has approved an environmental decision document, i.e., a FONSI or a ROD, the letter should also indicate that the Sponsor (or the state as appropriate) should make arrangements with the local media (in an areawide or local paper of general circulation) to announce the issuance of the decision document.

The letter should also request that documentation be sent to the ADO that such notice has been given (a copy of the legal advertisement will be adequate).

The notice by the Sponsor/state aviation agency should be similar to that used for announcing an opportunity for a public hearing, and generally meet the public notice requirements as may be required by local ordinance.

Where a state block grant agency is involved, i.e., is making a state Finding of No Significant Impact (FONSI), the state should either publish the notice of availability itself, or request that the Sponsor makes the publication. If the latter, the state should send out a notification letter to the Sponsor that the state has made a decision and should indicate to the Sponsor that it should make arrangements with the local media (in an areawide or local paper of general circulation) to announce the issuance of the decision document; and should send documentation to the state that such notice has been given.

A public notice rather than a press release is to be used, since a public notice is assured publication, and certification of publication is easily obtained.

The notice should specify that the decision documents will be available a minimum of 15 days. It is expected that the decision documents are to be available at the locations indicated, on or before the notice is published in the media.

The reason for specifying a minimum time of availability is to indicate to the reader of the notice that time is of the essence. Also, at some locations the Sponsor may not be able to assure the decision document's availability beyond a



OCT 01 1993

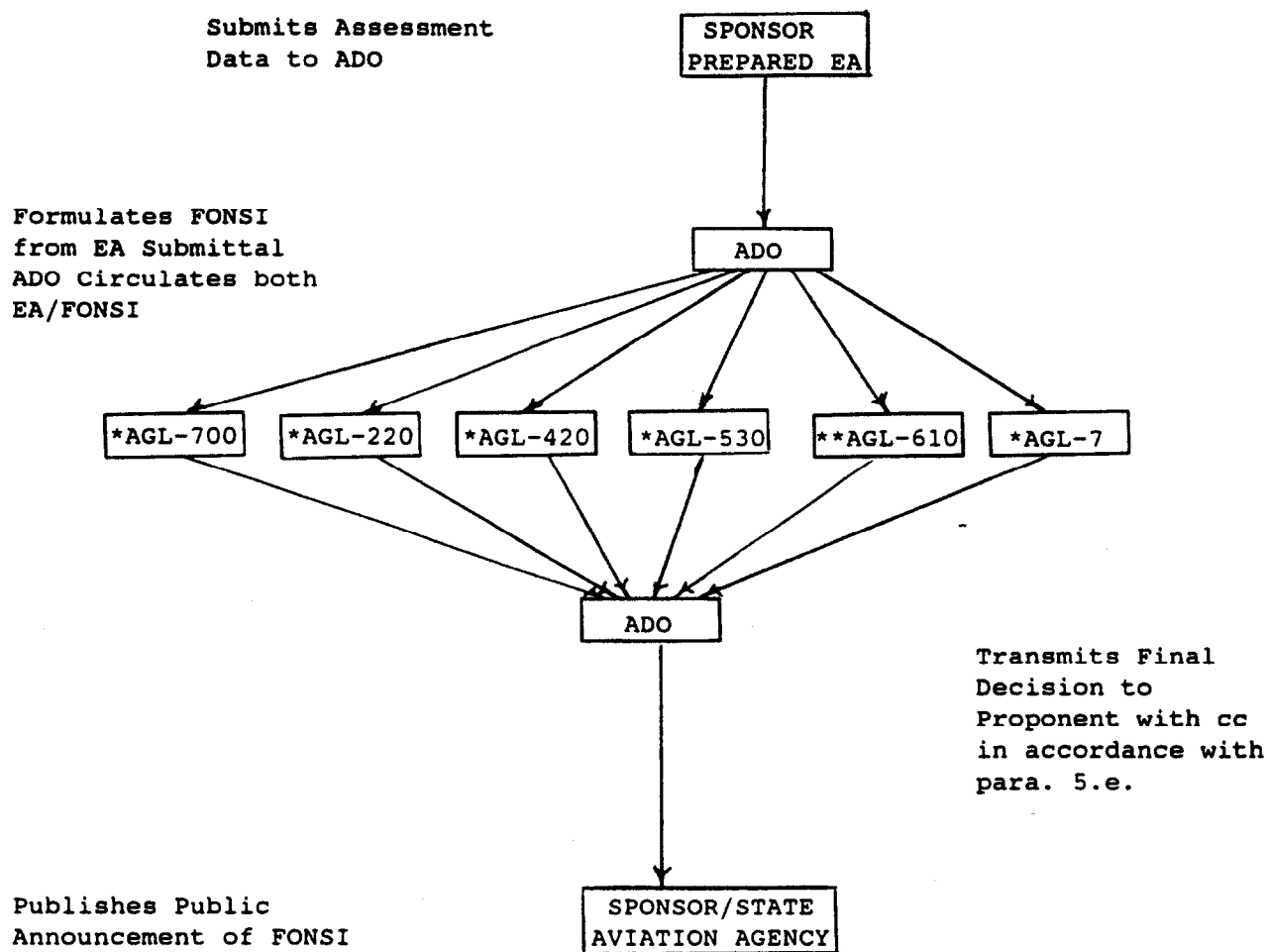
short amount of time. Appendix 7, Exhibit 7G provides a sample letter and notice that may be used by the ADO's and state block grant agencies for distribution to sponsors.

FAA Order 5050.4A, paragraph 6 requires at minimum, the announcement shall include the following items:

1. Locations and contact points at which the decision document is available, including the Sponsor's office, state aviation agency, and other appropriate locations of general public access. (FAA Airport District Offices should be listed, including a contact point.)
2. The notice should also indicate what development and/or actions have been proposed and environmentally assessed, and note that the project/action is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969.

OCT 01 1993

**FIGURE 7A. FLOWCHART FOR ENVIRONMENTAL DECISION DOCUMENT  
BASED ON ENVIRONMENTAL ASSESSMENT (EA)  
FINDINGS OF NO SIGNIFICANT IMPACT (FONSI)**

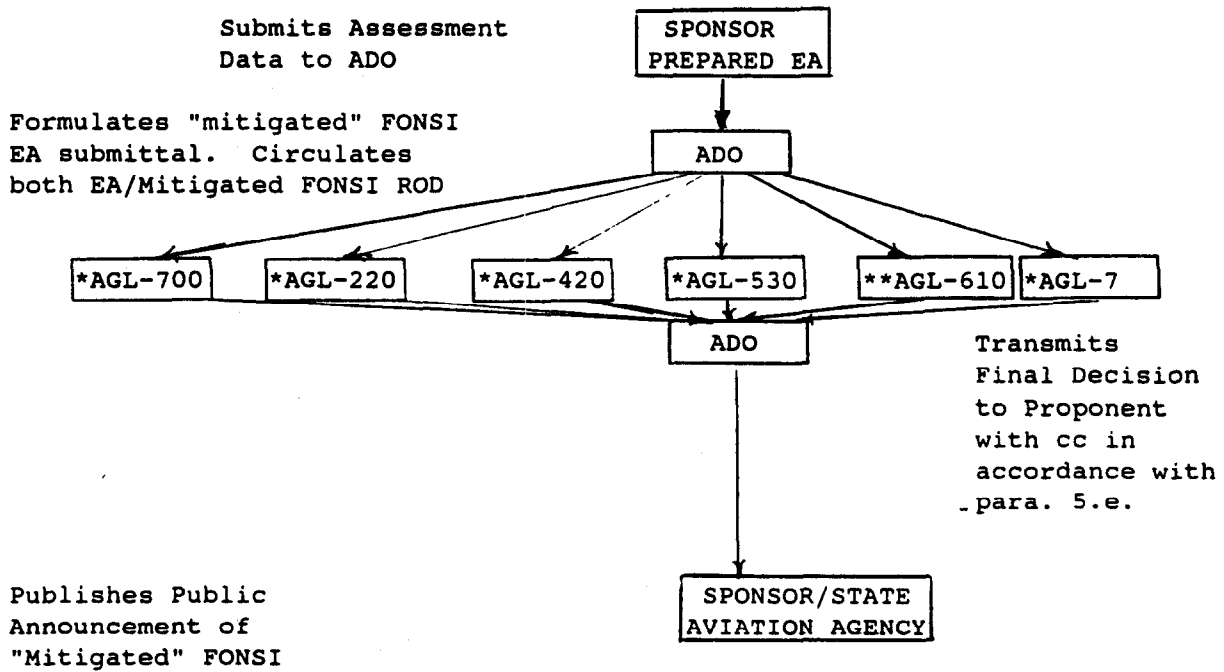


\* Coordination required only if determined appropriate by the ADO based on Program Divisions being affected; and AGL-7 if legal advisory assistance is desired. Coordination with all these offices is mandatory for FONSI's involving new airports, new runways, or major runway extensions.

\*\*Coordination is normally not necessary but available if advisory assistance is desired by the ADO. Coordination is "required" if the project involves mandated consultation with other Federal agencies or APP-600 (4f, endangered species, etc.).

OCT 01 1993

**FIGURE 7B. FLOWCHART FOR ENVIRONMENTAL DECISION DOCUMENT**  
Based on Environmental Assessment (EA) "Mitigated"  
Finding of No Significant Impact

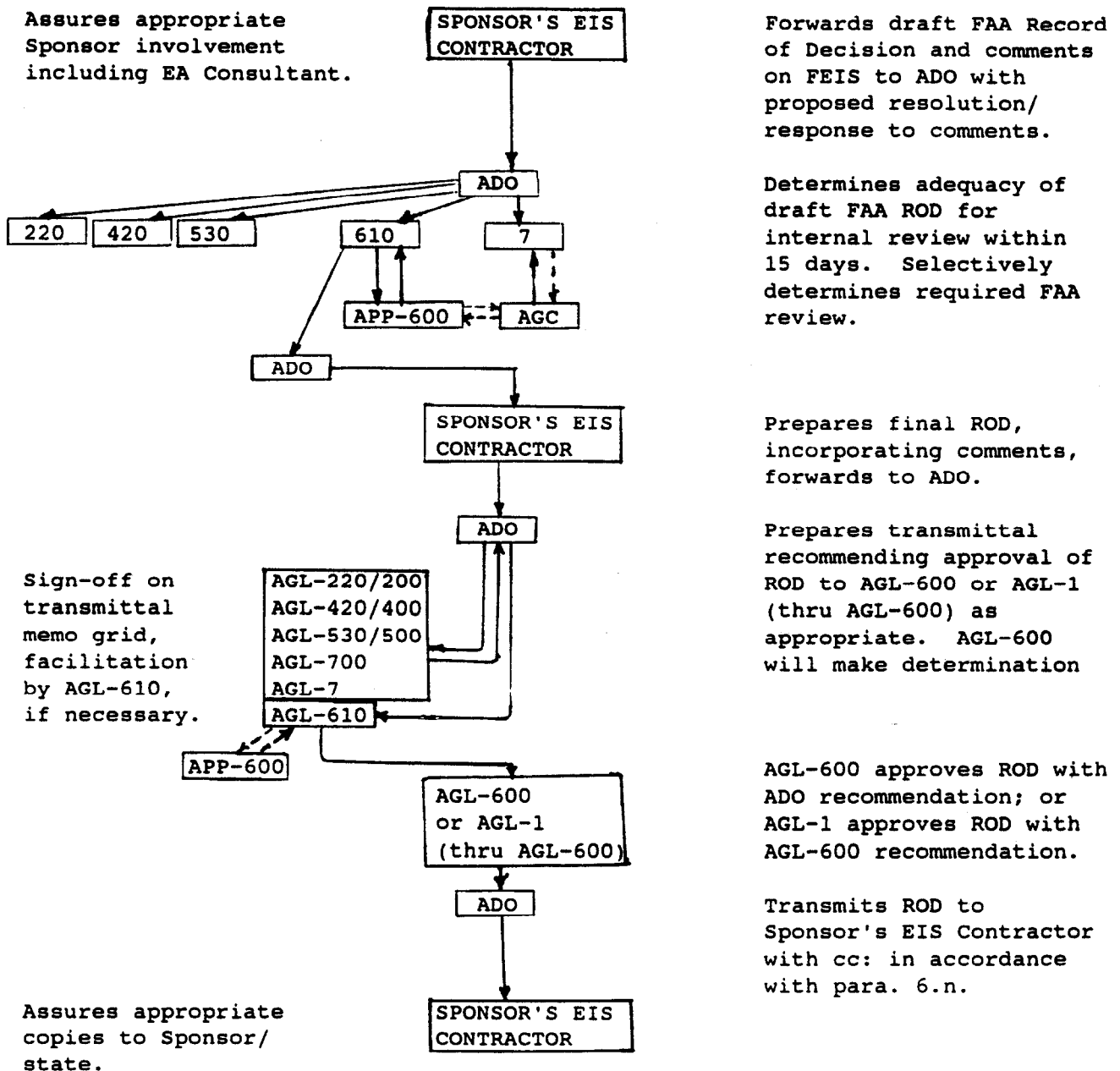


\* Coordination required only if determined appropriate by the ADO based on Program Divisions being affected; and AGL-7 if legal advisory assistance is desired. Coordination with all these offices is mandatory for mitigated FONSI's involving new airports, new runways, or major runway extensions.

\*\*Coordination is normally not necessary, but available if advisory assistance is desired by the ADO. Coordination is "required" if the project involves mandated consultation with other Federal agencies or APP-600 (4f., endangered species, etc.).

OCT 01 1993

**FIGURE 7C. FLOWCHART FOR ENVIRONMENTAL DECISION DOCUMENT**  
Based on Environmental Impact Statement and Record of Decision



OCT 0 1 1980

8. Operational Review Actions - Regional Divisions. Conceptual responsibilities for environmental actions are distinguished between AGL-200/-400/-500 in Chapter 3 of Draft Order 1000.4A. FAA Order 5050.4A paragraph 63 a. gives general guidance indicating that, "All proposed findings of no significant impact shall be reviewed by affected program divisions and staff officials at the regional level before presentation for approval."

In light of limited review resources, the ADO should consider more closely the wording of Order 5050.4A, particularly that the review is to be conducted by "affected" program divisions. The ADO should determine who is "affected" (and in what way) for each environmental assessment/finding rather than coordinating conventionally. This is intended to streamline the process for the ADO's.

The current coordination procedure, GL Draft Order 1000.4A generally "requires" regional coordination only for environmental assessments that involve the location of an airport, an airport runway, major runway extension or involves "mandatory" Federal coordination (with other agencies).

A standard coordination memoranda regarding AGL-200/-400/-500/-7 review of "airports" actions, has been developed (Appendix 6). It is intended to highlight items of specific interest to the other operating divisions.

Those program division's not affected should be dropped from coordination; and regional counsel's involvement is necessarily limited to providing necessary legal advisory services, particularly on those actions involving "mandatory" Federal coordination. No FAA element is expected to provide quality control of environmental documents/processing for the ADO.

Also, when appropriate, advisory reviews by the Civil Rights Staff, AGL-9, may be necessary. All are described in more detail below.

Generally, the other operating divisions are not asked to review the environmental "impact data" prepared by the ADO/Sponsor. For example, AGL-500 can be expected to review aircraft flight tracks for general accuracy (both current and future--to their best ability based on available data). They are not expected to examine the noise contours resulting from those flight tracks.

In addition, the safety and efficiency aspects of proposed development as it applies to airport layout plans, comes through the airspace process. There is no need to review it again from this aspect.

For determining who might be an affected division requiring coordination, one basic assumption should be that if the operating division might have to do an environmental assessment for an activity or development (within the proposed overall development) for a Federal action itself when accomplished alone, then it is probably an affected division. For example, if the Airway Facilities Division may be required to install a NAVAID within the proposed overall development, then the coordination should include them. (Note: Coordination with another division such as in the example above, does not necessarily mean that the Federal action crosses program lines for the purpose of final approval of the ROD.)

If their interest is only the safety and efficiency aspect as it applies to airport layout plans, then these are dealt with through the airspace process

OCT 01 1993

which precedes the conditional approval of the ALP on which the EA is based. If the ALP has to be revised and airspaced again as the result of the environmental assessment process, they then probably become an affected program office for environmental coordination purposes.

a. Flight Standards Division (AGL-200). Flight Standards is involved in the potential need for environmental assessments to develop new IFR flight procedures (precision approaches) and for proposals for new navigation aids under the F&E program.

b. Airway Facilities (AGL-400). Airway Facilities is involved in the potential need for environmental assessments for purchase and installation of new navigation aids under the F&E program. Interests in reimbursable agreements for relocation of FAA-owned equipment or Sponsor-owned equipment are not environmentally assessed and are dealt with under a separate process.

c. Air Traffic Division (AGL-500). If the airport where development is proposed, has no air traffic control tower and no tower is proposed, then it is not likely to have an air traffic impact; and any air traffic concerns are covered in airspace review. However, where a tower exists and the proposed new development is likely to require new or modified air traffic control procedures, change runway utilization, or affect ground movement then the proposal should be reviewed both by the Air Traffic Control Division during the environmental process. The Air Traffic Control Tower (ATCT) also can provide input on the timing of project and operational assumptions, e.g. runway use input to the noise model.

d. Other. Environmental coordination with local FAA offices such as the ATCT or Airways Facilities Sector should normally be initiated/completed by the Sponsor during the EA preparation.

9. Administrative Record Preparation. Law, internal agency orders, directives and guidance material establish what is required to be done in terms of preparing and processing an Environmental Impact Statement and a subsequent Record of Decision. Jurisdiction over appeals of an agency's actions involving failure to comply with NEPA lies in the United States District Court. The U.S. District Court is a trial court.

When agency actions are undertaken under the provisions of the Federal Aviation Act (rather than NEPA), exclusive jurisdiction lies with the United States Court of Appeals which is not a trial court but a reviewing body. This is due to specific statutory provisions vesting jurisdiction in that court. The Federal Aviation Act governs actions by Air Traffic, Airway Facilities, Flight Standards, and Airports in carrying out the installation and operation of navigation aids, determining proper airspace use, and establishment of approach and departure procedures. All of these often support proposed airport development or implementation of noise compatibility measures.

In cases involving mixed actions (Federal Aviation Act and NEPA), the FAA has had considerable success in arguing that sole jurisdiction lies in the Appellate court. In that the Appellate jurisdiction arises from the Federal Aviation Act, care should be taken by the ADO to fully document any supporting involvement of Air Traffic, Airways Facilities and Flight Standards in the actions being taken.

OCT 01 1993

As noted earlier, the Appellate court is not a trial court but a reviewing body. In order for it to be able to perform a review, they must have an adequate record of the agency action and the basis upon which it was founded. Absent an adequate record of what happened, the case may be removed to a district court for the development of a reviewable record, i.e., a trial is then held on the case that would result in a record consisting of the pleadings and a transcript of the trial. For an Agency decision for which there has been no trial, the record would consist of the documents upon which the agency states its decision has been based. The generic term for that record is an "Administrative Record". The "Administrative Record" thus consists of documentary material developed or used during the agency's deliberative process, both internal and public, leading to the decision and the action. The Administrative Record shows what was done, how it was done and the reason why it was done by the agency. The Administrative Record can be used to show the basis for the jurisdiction of a court to hear and resolve cases in controversy and dispute. It also can be used by a court to determine what was required to be done by the agency and whether it was done in accordance with the established standards.

The Administrative Record forms the factual basis upon which arguments will be made by the parties to the litigation. It should be as all inclusive as practicable and include documentation showing compliance with all law, regulations and practices.

All documents in the record need to be indexed and numbered. This listing is called a certified index of documents in the record. A copy of this index will be filed with the court and all parties to the litigation. A copy of all documents in the Administrative Record must be provided to all parties. It need not be filed with the court, but as a minimum all documents referred to in the pleading must be provided. All documents in the Administrative Record must be consecutively numbered. The easiest way for the ADO or the Sponsor's EIS contractor to do this is to have a single sided copy of every document. These single sided documents can be readily stamped with a consecutive number and are in a form easily copied either single sided or double sided. It becomes too confusing to assemble multiple copies of the Administrative Record and stamp them individually.

The Administrative Record can be assembled in any manner which is logical and understandable, e.g., chronological, subject matter, type of document, etc. If documents are indexed on other than a chronological basis, then the subgrouping should be indexed chronologically. Questions as to the most appropriate way of compiling the Administrative Record and certified index for a specific project should be referred to regional counsel. It is recommended that the ADO include in the scope of work a task for the Sponsor's EIS contractor to assemble the Administrative Record. The Sponsor's EIS contractor should be required to maintain a segregated copy of each record/document/information relating to the project that is used by the FAA in its decision making process. This will include documentation used in the preparation of the EA and the EIS- The Sponsor's EIS contractor should also maintain a database index of this material. These items are described in more detail below:

Documents: The pages of the material should be maintained as one sided standard size (8 1/2" x 11") copies. If larger size documents reduced to

OCT 01 1993

8 1/2" x 11" will not be legible, then the larger size documents should be reduced to the smallest legible size practical. The materials should be maintained chronologically by date and category, with pages numbered consecutively. The material will be compiled and presented to the FAA in three ring black binders. The Sponsor's EIS contractor should normally provide to the FAA the original and one copy (made from the original after pages are numbered) of all record/document/information materials compiled. The Sponsor's contractor should also provide any number of additional copies as may be specified by the ADO in the scope of work.

*Note: Throughout the environmental process the ADO should provide the Sponsor's EIS contractor copies of any internal FAA documents or material that are expected to be a part of the Administrative Record.*

**Database:** A complete, well-indexed and understandable database index of this material will be maintained from the beginning of the environmental process (see Appendix 9). This data base index will include information sufficient to identify documents. It will include the date of the document, a description of the document, the subject of the document, page number, as well as other information needed for its identification. The format/content of the database will be subject to ADO approval. The Sponsor's EIS contractor will maintain the database using FAA-approved computer database applications. The database index will be deliverable throughout the process to the FAA on 3 1/2" diskette.

**10. Responding to Requests for Documents Under the Freedom of Information Act.** It is reasonable to expect requests for release of documents during the development of an EIS (or in any part of the environmental process). Experience has shown that controversial projects result in FOIA requests more often than not. The FAA complies with provisions of the Freedom of Information Act (FOIA) and the Sponsor/state complies with applicable provisions of similar state laws. The regional attorney and the public affairs officer have prepared materials dated June 21, 1993, providing guidance, beyond that provided in FAA Order 1200.23, Change 1, Public Availability of Information and Great Lakes Supplement 1200.23 GL Sup 1 and 2.

The ADO is the focal point for receiving and responding to FOIA requests regarding specific airports within the Airports Division. Administrative accountability of the FOIA process in the Great Lakes Region is provided by the public affairs officer, as an overall service to ensure general regional consistency in responsiveness.

The ADO may receive FOIA requests from the public affairs officer through AGL-600 that have also been sent to a variety of other locations within the Region. The ADO may also receive a request directly from the requester. In the latter case, the ADO should fax a copy of the request to the public affairs officer. If the ADO receives a request for information or document over the phone, it should not be considered FOIA request (unless it is from the media who should then be referred directly to the public affairs officer). The ADO should inform the requestor that they must submit their request in writing to the public affairs officer. There is no specified format for such requests, however, the request should be specific in nature. A faxed request is permissible.



OCT 01 1993

The regional public affairs officer assigns a control number to all FOIA requests. This allows them to facilitate a timely response (normally within 10 the working day target); and assists them in preparing annual reports of the region's FOIA responses. The public affairs officer determines by content of the request the probable office to respond, but can be asked by the ADO to direct the FOIA to another office if in error.

The public affairs officer should be advised if an extension is appropriate. One extension for an additional 10 working days only is the regional target. The ADO should send an interim response if an extension is necessary. One of the reasons for an extension is reviewing voluminous amounts of material.

When the final response is sent, a copy of it and any interim response should be sent to the public affairs officer. (The cost of printing and mailing these additional transmittal copies and interim responses shall form part of the base charge provided the requestor.)

Requests must reasonably describe the desired documents. If the ADO is unable to determine what requesters want, they may call the requestor. Such a response (telephone call) to the requester will count as an interim response and may reset the clock for responding within the regulatory guidelines of 10 working days for response. Oral requests for clarification should be documented. More important, such a call may help the ADO staff narrow the request. The ADO is responsible only for records located in the ADO and is not required to check with other offices.

The ADO should follow these procedures in responding to a FOIA request. In the past we have offered on-site review to a requester instead of copying. However, in the past this method of response has caused inadvertent release of potentially exempted documents and the ADO is encouraged to use conventional procedures. If the ADO proposes to withhold documents based on one of the exemptions, a regional attorney must be consulted. A regional attorney's acknowledgment and that of any affected divisions is needed before the regional administrator can execute a denial letter.

If the records requested do not exist, it should be so stated in the response to the request. Where fees have not been waived the ADO staff should calculate the charges using the Airports Division standard fee structure. Fees will normally not be waived for anyone.

If it is determined that access to certain documents should be denied, a letter to that effect to the requestor should be prepared and coordinated as described above. It should list the documents being withheld, cite the reasons for exemptions, provide names of persons who participated in the decision to withhold and state what rights the requestor has to appeal this decision. The process for determining an exemption and the types of exemptions available are described in greater detail in FAA Order 1200.23. Only the exempt portion of a document should be withheld and the rest of the document should be released.

Consistent with these guidance materials, the ADO will maintain the confidentiality of, and will not release or allow access to, any information, documents or material which in its opinion are validly designated as confidential by the FAA, the Sponsor or the Contractor and which contain trade

secrets, proprietary data, deliberative material or commercial or financial information.

In any instance where the FAA or the Sponsor proposed to release to the public or allow access to any information, documents, or, materials which the Sponsor has designated as confidential, it shall notify the Sponsor of its intention to do so and provide the Sponsor the opportunity to appeal the decision in accordance with applicable regulations on such release prior to any such release.

At the direction of the FAA (as may be specified in the scope of work), the Sponsor's EIS contractor will be available to compile, copy and distribute and charge for the FAA FOIA requests, details of which will be contained in the Contractor's Scope of Work. Also, activities by the Sponsor's EIS contractor to maintain documents for the Administrative Record will facilitate the ADO and the Sponsor's EIS contractor in carrying out the agency's responsibilities under the Freedom of Information Act.

11. Other Considerations.

a. Title VI Coordination with Regional Civil Rights Officer. The ADO will coordinate Draft Environmental Impact Statements with the Regional Civil Rights Officer for projects which:

(1) Involves the location of an airport, an airport runway, or a major runway extension; and,

(2) Will cause the relocation of any residence, business, school, church, or other structure, or any resident, tenant, entrepreneur, or other person.

The Civil Rights Staff will review the environmental documents submitted by the ADO within 30 calendar days and provide any appropriate comment.

b. Regional Public Affairs Officer Involvement. The public affairs officer should handle all media requests for information regarding environmental programs and projects based upon environmental fact sheets and documents forwarded to that office by the ADO upon request. Where appropriate, the public affairs officer shall prepare news releases for dissemination to the media announcing an FAA position on a given project. However, announcements for public hearings and meetings concerning a project shall be the Sponsor's responsibility, although supplemental news releases may be made through the public affairs officer based on information provided by the ADO.

c. Regional Environmental Network. The Environmental Letter of Understanding (LOU) approved in 1990 places with the Deputy Regional Administrator the general accountability for overall oversight of cross-regional environmental matters and for general oversight of regional environmental activities. This was intended to increase the overall awareness of environmental needs and to focus regional management involvement in a way that will ensure that environmental matters are appropriately addressed and coordinated. The LOU also requires that all concerned divisions name division environmental contacts.

OCT 01 1995

d. Regional Management Team (RMT) Involvement and Administrative Management Team (AMT) Guidelines

(TO BE DEVELOPED)

e. FAA Headquarters Level Involvement (including Department of Transportation and Justice Department). AGL-610 works with FAA personnel (ADO, Regional Office, and Washington Headquarters) process requirements.

In potentially controversial or high-visibility projects, APP-600 may be asked to provide input to developing the scope of work, and provide comment regarding work done by the Sponsor's EIS contractor. This involvement is not the standard operating procedure, and AGL-610 should be consulted regarding any perceived need for APP-600 involvement.

In some matters regional counsel, in consultation with AGL-610, may coordinate environmental issues with AGC (Washington Headquarters) and the Department of Justice, as needed. The latter usually consists of advising and assisting United States Attorneys and the Department of Justice on litigation pertaining to environmental problems, but has also entailed consultation on the environmental process once litigation has been initiated.

The items listed below are those issues in which APP-600 or other Headquarters elements may be involved. For the most part APP-600, will accomplish necessary coordination within FAA Headquarters, with the Office of the Secretary of the Department of Transportation, the Department of Justice or any other agency or department as appropriate.

(1) Unresolved Comments Under DOT Order 4600-13. The comments and recommendations received through state and local review become input to the Sponsor's environmental assessment and ultimately must be reported and appropriately addressed in the ADO's environmental documentation. When a "single point" of contact transmits recommendations, DOT Order 4600.13 provides for consideration of state and local concerns by either accepting the comments, reaching a mutually agreeable solution with the parties which prepared the recommendations, or providing a timely explanation to the point of contact for not accepting the recommendations or reaching agreement.

OCT 01 1966

If the comments cannot be accepted and there are unresolved issues at the time the environmental assessment is completed and submitted to FAA, the ADO should try to reach a mutually agreeable solution or provide written explanation to the point of contact as to why the comments can not be accepted, with a copy to the Assistant Secretary for Administration, M-1. No final action may be taken for at least 15 days after the explanation is sent.

(2) Advisory Headquarters Review of Environmental Assessments Leading to a Finding of No Significant Impact (Order 5050.4A, paragraphs 63.b and 65). In rare cases where the ADO desires headquarters review of environmental assessments leading to a Finding of No Significant Impact, one copy of the document should be sent to APP-600 through AGL-610 (including a cover note justifying the need for the review).

Such review should normally not exceed 30 days. Unless specifically advised otherwise within this time frame, the ADO may assume that APP-600 has no comments (no concurrence is required). No further distribution is made within FAA or DOT headquarters. Paragraph 65 indicates that for FONSI's involving Federal coordination, one copy of the approved package should be sent to AEE-1 for FAA's records. This is no longer required (and will be reflected in future national policy revisions).

(3) Elevation to Headquarters of Corps of Engineers 404 Permit Conditions or Denial (Order 5050.4A paragraph 85 f.(2)). In the "Memorandum of Agreement between the Department of Transportation and the Department of the Army on Permit Processing" there is a provision for elevation of cases within the Department of the Army when a District Engineer proposes to deny or condition a permit in a manner which is substantial and unacceptable. If such circumstances arise, the ADO should advise APP-600 through AGL-610. APP-600 will normally provide whatever follow-up action may be necessary at the Washington level to resolve differences.

(4) Advisory Headquarters Review of Determination of Adverse Effect on Historic or Archeological Resources (Order 5050.4A, paragraph 85 h.(2)). When a determination of adverse effect on historic or archeological resources has been made under the National Historic Preservation Act of 1966, as amended, the consultation procedures of the Advisory Council on Historic Preservation (36 CFR Part 800.4(d)) shall be followed. Two weeks prior to a formal request for review to the Advisory Council, the ADO shall notify APP-600 through AGL-610. APP-600 will in turn notify the Office of the Assistant Secretary for Policy and International Affairs.

(5) Environmental Referrals (Order 5050.4A, paragraphs 94.c and 96 b.). In the event that U.S. EPA has comments on a final environmental impact statement, the ADO, with the assistance of AGL-610 if required, shall make every reasonable effort to resolve any conflicting issues. If the issues cannot be resolved, the matter may be referred to APP-600 for assistance.

CEQ 1504 also establishes procedures for "environmental referrals" to CEQ by Federal agencies with disagreements on the environmental effects of a proposal. When a notice of intended referral has been received on an Airports Program environmental impact statement, a copy of the notice shall be forwarded to APP-600 which will advise P-10 in the Office of the Secretary of Transportation. Every effort shall be made by the ADO and the Sponsor to

OCT 01 1993

resolve the issues prior to processing the final environmental impact statement. Resolution of issues should be documented in the final statement including, if possible, notification in writing to the FAA from the referring agency indicating that its objections have been resolved. In the event of an actual referral, FAA's response to CEQ will require the concurrence of P-1 in the Office of the Secretary of Transportation.

(6) Delegation of Approval Authority (Order 5050.4A, paragraph 95 b). The Office of Assistant Administrator for Airports (ARP-1) has final impact statement approval authority for any action specified below, unless specifically delegated to the region:

(a) Any new airport in a metropolitan area (construed as a standard metropolitan statistical area (SMSA) unless specifically directed otherwise).

(b) Any new runway or major runway extension at a commercial service airport located in an SMSA.

(c) Any action for which a Federal, state or local government agency has expressed opposition on environmental grounds.

(7) Headquarters Distribution and Review of Environmental Impact Statement - Field Approval Case (Order 5050.4A, paragraphs 91 a. and 96 a.). Five copies of the draft EIS, including the state and local review comments and the summary sheet, are to be forwarded to APP-600 (through AGL-610), which shall be responsible for further distribution within the FAA and the Office of the Secretary of Transportation.

On the final environmental impact statement approved in the field, APP-600 shall be notified by the ADO through AGL-610, when distribution has been completed. A copy of the final environmental impact statement is sent to P-10 in the Office of the Secretary of Transportation, AEE-1 and APP-600 for information. When the number of commentors is such that distribution is impractical, alternative arrangements may be made after consultation with APP-600. APP-600 should also be sent a copy of the transmittal to EPA for record purposes.

(8) Headquarters Distribution and Review of Environmental Impact Statements - Headquarters Approval Case (Order 5050.4A, paragraphs 91 a. and 95 c.). Five copies of the draft EIS, including the state and local review comments and the summary sheet, are to be forwarded to APP-600, which shall be responsible for further distribution within the FAA and the office of the Secretary of Transportation.

When final approval of an environmental impact statement is retained in headquarters, the headquarters coordination is initiated when statements are received by APP-600. Copies are forwarded by APP-600 to the Office of Environment and Energy, and to the office of Chief Counsel for review for legal sufficiency, and then to appropriate elements of the Office of the Secretary of Transportation when required for review and concurrence, with a request for response within 15 to 30 days, depending upon the complexity of the statement.

OCT 01 1993

For highly controversial EIS's, P-1 and General Counsel (C-1) in the Office of the Secretary of Transportation will be notified by APP-600 that the EIS is being reviewed, and shall be provided a copy of the EIS summary. During headquarters review, the statement is revised as necessary or information added. The statement, with any comment is then submitted to the Assistant Administrator for Airports for approval. P-1 and C-1 in the Office of the Secretary of Transportation will be given two weeks notice before approval of a highly controversial EIS.

(9) Headquarters Review of Record of Decision (Order 5050.4A, paragraphs 98 b. c. and d.). The record of decision should include any mitigation measures which were made a condition of the approval of the environmental impact statement. Proposed changes in or deletions of mitigation measures which were a condition of the environmental impact statement must be reviewed by the same FAA offices both at the headquarters level that reviewed the final EIS.

If the decision maker wishes to take an action which was included within the range of alternatives of an approved environmental impact statement, but was not the agency's preferred alternative as identified in the final statement, the decision maker must first coordinate the draft record of decision for concurrence of the same FAA and DOT offices whose concurrence was required for approval of the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the record of decision, may request that a supplement to the environmental impact statement be prepared and circulated, or may nonconcur. The decision maker shall not approve the Federal action over nonconcurrence.

If the alternative the decision maker now wishes to take action on involves a special interest (e.g., section 4(f) land, endangered species, wetland, historic sites, or other), the ADO must first complete any required evaluation and consultation that has not been done, supplementing the original environmental impact statement, prior to taking the action. Supplements to environmental impact statements shall be reviewed and approved in the same manner as the original document.

(10) Advisory Consultation on Implementation of Environmental Commitments (Order 5050.4A, paragraph 99 b. and c.). The ADO, through AGL-610, may consult with APP-600 if necessary to determine the disposition of previously approved environmental commitments in the form of assurances in grant agreements, property conveyance deeds, releases and airport layout plan approvals that are found to derogate safety.

Also, any significant deviation from prescribed action that may reduce protection to the environment must be submitted by the ADO through AGL-610 and APP-600 for concurrence, if the statement was approved in Washington Headquarters.

f. Airports Division Level Advisory Assistance. The Planning/Programming Branch, AGL-610, is responsible for keeping abreast of current legislation and policy as it relates to the environmental issues, reviews

OCT 01 1993

proposed directives and guidelines furnished by headquarters and prepares divisional comments and interim guidance to ADO's. When these national directives and guidelines are finalized, AGL-610 then, if necessary, develops supplementary guidance for the ADO's.

AGL-610 provides "on-request" and "if available" guidance to the ADO's on specific airport environmental studies and associated review requirements, particularly where they impact airport capacity projects or projects at capacity locations. For example, when requested by the ADO, AGL-610 provides comments and guidance to assist in the scoping of the environmental assessment process. This may include assisting the ADO in the preparation and processing of Federal Register Notices for scoping and in developing a scoping document.

Generally, AGL-610 assistance is high level, sophisticated, and of a problem solving nature. It is not intended to replace ADO accountability or professional expertise nor to provide quality control.

AGL-610 serves as a consultant to the ADO's and upon request other FAA operating divisions on airport environmental and mitigation efforts. This includes maintaining cooperative working relationships with personnel in other FAA offices, assistance to the ADO in coordination of environmental/land use planning and Part 150 activities with representatives from Air Traffic, Flight Standards, and Airway Facilities and Assistant Chief Counsel organizations. Also, where Washington Headquarter's input and delegation of approval authority for a specific Environmental Impact Statement is needed from ARP-1, AGL-610 solicits that input and delegation, and works with AGL-600 to redelegate the approval authority to the ADO's.

Throughout the environmental process, AGL-610 may (or may not) be available to advise the ADO on appropriateness of work schedules, and assists the ADO's in preparing responses to congressional inquiries and Freedom of Information Act (FOIA) requests regarding environmental considerations. When Environmental Impact Statements are completed, AGL-610 may assist the ADO's in filing Environmental Impact Statements with U.S. EPA and may assist in the preparation of records of decision.

AGL-610 may also advise the ADO on questionable work elements or unreasonable costs in proposals regarding the preparation of environmental documents. AGL-610 generally maintains regional overview of the environmental process.

g. Office of Assistant Chief Counsel-Advisory Assistance.

(1) The Office of Assistant Chief Counsel (AGL-7) has overall responsibility for legal concerns of the Region. AGL-7 has attorneys who specialize in environmental matters and provide legal advice, opinions, and counseling for various activities at the Region.

Specifically, regional attorneys provide legal advice regarding environmental documents upon request by the ADO's. Environmental documentation for which the office of Assistant Administrator for Airports has FEIS approval authority is reviewed on request from an advisory standpoint by the headquarters attorneys; and documentation for which the Office of Assistant Administrator for Airports has delegated authority to the Airports Division Manager and is reviewed upon

request from an advisory standpoint by regional attorneys. This review is normally conducted prior to filing for public review of the environmental impact statements; and prior to approval of the record of decision. See also Figure 7c.

In addition to the conventional coordination procedures listed below, ADO contact with a regional attorney, should also focus on any project action with a potential for litigation.

Regional attorneys may also optionally coordinate environmental issues with AGC (Washington Headquarters) and the Department of Justice, as needed. The latter usually consists of advising and assisting United States Attorneys and the Department of Justice on litigation pertaining to environmental problems, but has also entailed other consultation as needed on the environmental process. Regional attorneys should be advised by the ADO through AGL-600 immediately of any perceived possibility of litigation in the environmental process (as with any program matter perceived to involve litigation).

Throughout the environmental process the regional attorney provides legal advice, as requested by the ADO, on releasability of information under the Freedom of Information Act (FOIA). See also Chapter 10, Responding to Requests for Documents Under the Freedom of Information Act. On request, a regional attorney will also provide the ADO assistance on the requirements for an administrative record (if litigation is anticipated). See also Chapter 9, Administrative Record Preparation.

(2) Conventional Coordination with AGL-7. ADO coordination with AGL-7 is necessary for advisory purposes associated with the following findings as part of the Federal environmental decision making process (focusing on environmental impact statements and those environmental assessments with a potential for litigation and/or is required under some special purpose law, regulation, or executive order, e.g., requiring mandatory Federal coordination and/or findings). These are listed below:

(a) Actions involving an airport location, runway location, or major runway extension (FONSI or EIS).

(b) Actions involving the use of lands subject to section 4(f) of the DOT Act (EIS not required).

(c) Actions involving new construction affecting wetlands (applies to both FONSI's and EIS's).

(d) Actions involving significant encroachment on a floodplain, i.e. with a considerable probability of loss of human life, likely future damage associated with the encroachment that could be substantial in cost or extent, including interruption of service on or loss of a vital transportation facility, or a notable adverse impact on natural and beneficial floodplain values.

(e) Actions within or affecting land or water uses in an area covered by an approved state coastal zone management program.

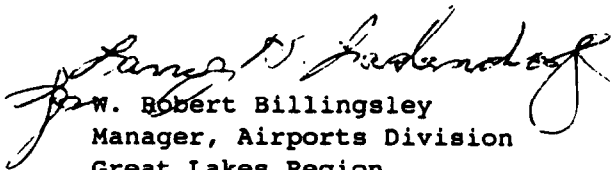


NOV 01 1966

12. Airports Involvement in Environmental Decision-making by Other Operating Divisions.

(TO BE DEVELOPED)

13. Authority to change this PPM. The Manager, Planning and Programming Branch, AGL-610 is authorized to issue changes to this PPM which do not affect policy or an assignment of responsibility.

  
W. Robert Billingsley  
Manager, Airports Division  
Great Lakes Region

OCT 01 1993

INDEX TO APPENDICES

1. Reserved
2. Reserved
3. Delegation of Authority
  - Excerpts from FAA Orders (Reserved)
  - Joint Lead Agency Agreements (Reserved)
  - Excerpts from State Block Agency Agreements (Reserved)
  - Cooperating Agency Agreements (Reserved)
4. Categorical Exclusion Preparation Guide
  - Exhibit 4A Checklist for Review of Categorical Exclusions
5. Environmental Assessment Preparation Guide
  - Exhibit 5A Checklist for Review of Environmental Assessments
  - Exhibit 5B Sample Internal Coordination Memo for EA
6. Environmental Impact Statement Preparation Guide
  - Exhibit 6A Checklist for Review of Environmental Impact Statements (Reserved)
  - Exhibit 6B AGL-600 Memo Dated \_\_\_\_\_ Regarding Delegation of Authority
  - Exhibit 6C Sample Internal Coordination Memo for Draft EIS
  - Exhibit 6D Sample Internal Coordination Memo for Final EIS
  - Exhibit 6E Sample Transmittal Letter to Other Agencies
  - Exhibit 6F Sample Transmittal Letter to U.S. EPA for Filing Draft EIS
  - Exhibit 6G Sample Transmittal Letter to U.S. EPA for Filing Final EIS
  - Exhibit 6H Example Delegation of EIS Approval Authority - ARP-1 to AGL-600
  - Exhibit 6I Sample FEIS Approval Statement
7. Environmental Decision Document Preparation Guide
  - Exhibit 7A Sample Memo Making a Categorical Exclusion Determination
  - Exhibit 7B Sample Coordination Memo for EA/FONSI

OCT 01 1993

- Exhibit 7C Sample FONSI
- Exhibit 7D Sample Format for Record of Decision
- Exhibit 7E Detailed Coordination Requirements for Records of Decisions for Mitigated FONSI and Final Environmental Impact Statements
- Exhibit 7F Sample Coordination Memo for Records of Decision
- Exhibit 7G AGL-600 Memo dated 7/1/93, Public Announcement of Availability, Environmental Decision Documents
- 8. Guide for Determining Environmental Review Responsibilities - Operational and Regional Staff
  - Flight Standards Division (Reserved)
  - Airway Facilities Division (Reserved)
  - Air Traffic Division (Reserved)
  - Office of Assistant Chief Counsel (Reserved)
- 9. Guide for Preparation of Administrative Records
  - Exhibit 9A Sample Cover Sheet
  - Exhibit 9B Sample Indexes
  - Exhibit 9C Computer Database Application (Reserved)
- 10. Guide for Responding to Requests for Documents Under the Freedom of Information Act (Reserved)
- 11. Other Considerations (Reserved)
- 12. FAA Reports/Advisory Circulars (ACs) Dealing with Environmental Issues
- 13. Guide for Undertaking Environmental Scoping Process
  - Exhibit 13A Guidelines for Conducting Scoping Meeting
  - Exhibit 13B Sample Scoping Document (Reserved)
  - Exhibit 13C-1a Notice of Intent/Scoping Meeting Notice: Sample Transmittal Memorandum (Reserved)
  - Exhibit 13C-1b Notice of Intent/Scoping Meeting: Sample Federal Register Notice (Reserved)
  - Exhibit 13C-2 Sample Transmittal Letter Announcing Scoping and Requesting Comments - Scoping Meeting (Reserved)
  - Exhibit 13D-1a Notice of Intent/Scoping By Mail Notice: Sample Transmittal Memorandum (Reserved)

OCT 01 1993

Exhibit 13D-1b Notice of Intent/Scoping By Mail:  
Sample Federal Register Notice (Reserved)

Exhibit 13D-2 Sample Transmittal Letter Announcing Scoping and  
Requesting Comments - Scoping by Mail (Reserved)

Exhibit 13E-1a Cancellation of Notice of Intent: Transmittal  
Memorandum (Reserved)

Exhibit 13E-1b Cancellation of Notice of Intent: Federal  
Register Notice (Reserved)

Exhibit 13E-2 Sample Transmittal Letter Announcing Cancellation  
of Notice of Intent (Reserved)

Exhibit 13F-1a Correction of Notice: Transmittal Memorandum  
(Reserved)

Exhibit 13F-1b Correction of Notice: Federal Register Notice  
(Reserved)

Exhibit 13F-2 Sample Transmittal Letter Announcing Correction of  
Notice of Intent (Reserved)

14. Guide for Third Party Contracting for Preparation of Environmental Impact  
Statements

Exhibit 14A-1a Sample Agreement between FAA and Sponsor: EIS  
Direct or Following Completion of EA

Exhibit 14A-1b Sample Scope of Work for FAA Selected EIS  
Contractor: EIS Direct or Following Completion of EA (Reserved)

Exhibit 14A-2a Sample Agreement between FAA and Sponsor: EIS  
Concurrent With EA

Exhibit 14A-2b Sample Scope of Work for FAA Selected EIS  
Contractor - FAA and Sponsor: EIS Concurrent With EA

Exhibit 14A-3a Sample Agreement between FAA/Sponsor/Joint  
Lead Agency: EIS Direct or Following Completed EA (Reserved)

Exhibit 14A-3b Sample Scopes of Work for FAA Selected EIS  
Contractor - FAA/Sponsor/Joint Lead Agency: EIS Direct or  
Following Completed EA (Reserved)

Exhibit 14A-4a Sample Agreement between FAA/Sponsor/Cooperating  
Agency: EIS Direct or Following Completion of EA (Reserved)

Exhibit 14A-4b Sample Scopes of Work for FAA Selected EIS  
Contractor - FAA/Sponsor/Cooperating Agency: EIS Direct or  
Following Completion of EA (Reserved)

Exhibit 14A-5a Sample Agreement between FAA/Sponsor/Cooperating  
Agency/FAA: EIS Concurrent With EA (Reserved)

Exhibit 14A-5b Sample Scopes of Work for FAA Selected EIS  
Contractor - FAA/Sponsor/Cooperating Agency: EIS Concurrent with  
EA (Reserved)

Exhibit 14B-1 Sample Disclosure Statement EIS Contractor:  
No Previous Work at Airport (Reserved)

Exhibit 14B-2 Sample Disclosure Statement EIS Contractor:  
Completed Previous Planning/Design/Construction Management Work At  
Airport (Reserved)

Exhibit 14B-3 Sample Disclosure Statement EIS Contractor:  
Ongoing Planning Work at Airport (Reserved)

Exhibit 14B-4 Sample Disclosure Statement EIS Contractor:  
Ongoing Design or Construction Management Work At Airport  
(Reserved)

15. Guide for Public Hearing

Exhibit 15A Criteria for Determining Whether a Public Hearing is  
Required or Needed

Exhibit 15B Public Hearing Requirements

Exhibit 15C Sample Public Hearing Notice (Reserved)

16. Resolution of Comments on PPM

APPENDIX 1  
PPM 5050.1

OCT 01 1993

APPENDIX 1

RESERVED

APPENDIX 2  
PPM 5050.1

OCT 01 1968

APPENDIX 2

RESERVED

APPENDIX 3  
DELEGATION OF AUTHORITY  
(TO BE DEVELOPED)



OCT 01 1996

APPENDIX 4  
CATEGORICAL EXCLUSION  
PREPARATION GUIDE  
(TO BE DEVELOPED)

EXHIBIT 4A

CHECKLIST TO SUPPORT AN ENVIRONMENTAL FINDING OF  
CATEGORICAL EXCLUSION

AIRPORT NAME:

PROJECT DESCRIPTION:

PREPARED BY:

FAA REVIEW BY:

ACTION/IMPACT		APPLICABLE +		COMMENTS ATTACHED
		NO	YES	
<b>ACTIONS NORMALLY REQUIRING AN EIS (Order 5050.4A, paragraph 21)</b>				
1.	ALP APPROVAL: First time ALP for a commercial service airport in a metropolitan area?			
2.	AIRPORT LOCATION APPROVAL: First time location approval for a commercial service airport in a metropolitan area?			
3.	NEW AIR CARRIER RUNWAY: New runway at a commercial service airport in a metro area?			
<b>ACTIONS NORMALLY REQUIRING AN EA (paragraph 22)</b>				
4.	AIRPORT LOCATION APPROVAL: First time airport location approval?			
5.	NEW RUNWAY: Will construction result in a new runway?			
6.	MAJOR RUNWAY EXTENSION: Will runway extension accommodate larger/noisier aircraft?			
7.	STRENGTHEN RUNWAY: Will stronger runway add > DNL 1.5 dB over a noise sensitive area?			
8.	ROADWAY CAPACITY: Will construction or relocation of airport roads adversely effect capacity of connecting public roads?			
9.	LAND ACQUISITION: Will any land purchases result in adverse relocations?			
10.	ILS/ALS: Does project involve establishment or relocation of an ILS or ALS?			
11.	SECTION 4(f) LANDS: Use of DOT section 4(f) parklands, recreation areas or wildlife refuges?			
12.	HISTORIC/ARCHAEOLOGICAL RESOURCES: Use of property eligible for federal, state or local historic registers, under section 106 of the NHPA of 1966?			
13.	FARMLAND: Will acquired farmland acreage score greater than 160 on USDA Form AD-1006?			
14.	WETLANDS: Will project impact any wetlands?			
15.	COASTAL ZONES: Will project impact any coastal zones?			
16.	FLOODPLAINS: Will project impact any floodplains?			
17.	ENDANGERED SPECIES: Is there an impact on any threatened or endangered species?			
<b>EXTRAORDINARY CIRCUMSTANCES (paragraph 24)</b>				
18.	SECTION 4(f) LANDS: Will action effect any nearby parklands, recreation areas or refuges?			
19.	HISTORIC/ARCHAEOLOGICAL RESOURCES: Will action effect any nearby property eligible for federal, state or local historic registers, under section 106 of the NHPA of 1966?			

(continued on next page)

OCT 01 1993

EXHIBIT 4A

CHECKLIST TO SUPPORT AN ENVIRONMENTAL FINDING OF  
CATEGORICAL EXCLUSION

(continued from previous page)

	ACTION/IMPACT	APPLICABLE ♦		COMMENTS ATTACHED
		NO	YES	
20.	FARMLAND: Is there a unique effect on non-acquired farmland adjacent to project area?			
21.	HIGHLY CONTROVERSIAL: Is there a unique environmentally controversial issue?			
22.	NATURAL RESOURCES: Will action have significant impact on natural, ecological, cultural or scenic resources of national, state or local significance?			
23.	RELOCATION HOUSING: Is the availability of adequate housing a highly controversial issue?			
24.	COMMUNITY DISRUPTION: Will action cause disruption of a community, disrupt planned development or be inconsistent with plans or goals of the community?			
25.	SURFACE TRANSPORTATION: Will there be significant increases in traffic congestion?			
26.	NOISE LEVELS: Is there a DNL 1.5 dB or greater increase over a noise sensitive area?	-		
27.	AIR QUALITY: Is there a significant impact on air quality or violation of air quality standards?			
28.	WATER QUALITY: Any significant impacts on water quality or contamination of public supply?			
29.	HAZARDOUS MATERIALS: Does project involve or affect hazardous materials?			
30.	ENVIRONMENTAL LAWS: Is project inconsistent with any other laws relating to environment?			
CUMULATIVE IMPACTS (paragraph 26)				
31.	CONNECTED ACTIONS: Are there other closely related actions which should be considered?			
32.	CUMULATIVE ACTIONS: When viewed with other planned actions, is this project significant?			
33.	SIMILAR ACTIONS: Are there other similar actions which would cause this to be significant?			
♦ "NO" MUST BE CHECKED OR APPROPRIATE AGENCY COORDINATION ATTACHED TO SUPPORT A CATEGORICAL EXCLUSION.				

OCT 01 1993

APPENDIX 5  
ENVIRONMENTAL ASSESSMENT  
PREPARATION GUIDE  
(TO BE DEVELOPED)

APPENDIX 6  
PPM 5050.1

OCT 01 1993

APPENDIX 6  
ENVIRONMENTAL IMPACT STATEMENT  
PREPARATION GUIDE  
(TO BE DEVELOPED)

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APPENDIX 7  
ENVIRONMENTAL DECISION DOCUMENT  
PREPARATION GUIDE  
(TO BE DEVELOPED)

NOV 01 1983

EXHIBIT 7E

DETAILED COORDINATION REQUIREMENTS FOR RECORDS OF  
DECISIONS FOR MITIGATED FONSI AND  
FINAL ENVIRONMENTAL IMPACT STATEMENTS

1. ADO prepares a comprehensive description of the proposed project based on the Sponsor's submissions and their own knowledge of what agency findings/determinations and actions would be involved to implement the proposal.
2. The comprehensive description is sent to each program division and facility that might be affected or that may provide needed or useful information or analysis.
3. The agency units responsible for either reviewing or implementing the program areas affected by the proposal conduct a thorough review to identify and evaluate the direct and indirect impacts of the proposal and agency actions that would be taken to implement the proposal. Those units should document their review to preserve a statement of pertinent facts, identification of applicable criteria, standards, and guidelines, pertinent factors and considerations, any recommended changes to the proposal with the reasons for them, and any suggested or recommended mitigation measures. Appropriate preliminary or final findings/determinations should be made by the proper official and be documented, including any non-applicability or negative results when it might appear that the contrary would be implied or suggested under the generally known facts and circumstances.
4. The responsible agency units prepare and send to the ADO a memorandum containing the summary and documentation of their reviews and findings/determinations. The summary must cover each portion of the project with implications to programs within its cognizance and reference the documentation and highlight any new matters not reflected in the Comprehensive Description. The respective agency positions will be used to guide the Sponsor's environmental assessment process by better defining potential courses of action, alternatives and to identify impacts at the earliest stages of the process.
5. At any time proposed changes in the proposed project are being considered, those changes should be communicated to the responsible agency unit for their review and response to up-date and keep current the program positions affecting the proposal.
6. When the Sponsor submits its environmental evaluation documentation for agency review and approval, that documentation is coordinated under established procedures with a copy of the program unit's prior responses for their further review on documents as well as concurrence, if appropriate. Any additional findings/determinations should be completed and included in the response to the ADO with its input on the environmental aspects of the proposal.
7. The ADO completes the necessary coordination under the established procedure, prepares a Record of Decision for final coordination and issuance. (Par 98 c. & d.)

NOV 01 1989

a. Any proposed changes in or deletions of mitigation measures which were a condition of approval of the Mitigated EA/FONSI or Environmental Impact Statement shall be reviewed by the same FAA offices which reviewed the Mitigated EA or FEIS and must be approved by the Mitigated EA or FEIS approving official.

b. If the ADO wishes to take an action which was included within the range of alternatives of an approved Mitigated EA or FEIS, but was not FAA's preferred alternative as identified in the Mitigated EA or FEIS, the ADO shall first coordinate the draft ROD for concurrence of the same FAA and DOT offices whose concurrence was required for approval of the Mitigated EA or FEIS. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the record.



OCT 01 1988

APPENDIX 8

GUIDE FOR DETERMINING ENVIRONMENTAL  
REVIEW RESPONSIBILITIES - OPERATIONAL AND REGIONAL STAFF

(TO BE DEVELOPED)

10CT 0 1 1993

APPENDIX 9  
GUIDE FOR PREPARATION OF  
ADMINISTRATIVE RECORDS

LOCT 0 1 1993

EXHIBIT 9A-1a  
SAMPLE COVER SHEET

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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CONTINENTAL AIRLINES, INC.; KENNETH	)	
BUTZ; MADONNA SIMPSON,	)	
	)	
Petitioners,	)	No: 89-1625
	)	
v.	)	
	)	
U.S. FEDERAL AVIATION ADMINISTRATION;	)	
U.S. DEPARTMENT OF TRANSPORTATION;	)	
THE CITY AND COUNTY OF DENVER, a	)	
municipal corporation of the State of	)	
Colorado; JOHN MROZEK, in his official	)	
capacity as Manager of Public Works	)	
for the city and county of Denver,	)	
	)	
Respondents.	)	

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CERTIFIED LIST OF THE MATERIALS COMPRISING THE  
RECORD ON REVIEW PERTAINING TO THE FEDERAL  
AVIATION ADMINISTRATION'S FINAL ORDERS  
ISSUED ON SEPTEMBER 27, 1989

On behalf of the Federal Aviation Administration I hereby certify that the materials described in the attached chronological list constitute the complete record on review pertaining to the agency's final orders issued on September 27, 1989, which is the subject of Petitioner's October 10, 1989 Petition For Review. The attached list, together with the enclosed November 1988 Environmental Assessment, the August 8, 1989 Final Environmental Impact Statement, and the September 27, 1989 Record of Decision, are filed in accordance with Rules 16 and 17 of the Federal Rules of Appellate Procedure.

October 16, 1989

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NORTHWEST MOUNTAIN REGION  
FEDERAL AVIATION ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
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Seattle, Washington 98168  
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FILE	TYPE	DATE	SUBJECT	FROM	TO	SYNOPSIS
27 FEA	Draft	02/04/00	Air Quality	Greiner, Inc.		Denver region particulate matter emissions inventory with and without DVX.
32 AP53	Computer	11/22/00	Transmitters	Aoist, FEA	ANM-623	FCC listing of transmitters within ten mile radius of DVX.
80 FEA	Monograph	01/01/59	Birds	Robert L. Downin		Significance of ground nesting by Mourning Doves in northwestern Oklahoma.
228 FEA	Report	06/01/59	Wildlife	Colorado		The antelope of Colorado, a research and management study.
68 FEA	Report	01/01/64	Water Supply	US Geo Survey		Ground water resources of the South Platt River basin in western Adams and southwestern Weld Counties, Colorado.
186 FEA	Article	01/01/64	Birds	A. Lorin Ward		Foods of the Mourning Dove in eastern Colorado.
208 FEA	Article	10/01/67	Birds	Bird Banding		Distribution, migration and mortality of the White Faced Ibis in North America.
189 FEA	Report	01/01/72	Birds	USDOI		Population ecology of the mallard, a review of previous studies and a distribution in migration breeding areas.
205 FEA	Report	11/27/72	Wildlife	USDOI		Habitat management series for endangered species, Black Footed Ferret.
202 FEA	Report	01/01/73	Wildlife	U of Wyoming		Abundance, distribution and food habits of the Pronghorn.
225 FEA	Report	07/01/73	Wildlife	USDA		Foods of the Rocky Mountain Mule Deer.
173 FEA	Report	11/01/73	Wildlife	USDOI		Habitat management series for endangered species San Joaquin Kit Fox.
169 FEA	Survey	10/01/74	Adams County	USDOA		Comprehensive soil survey of Adams County, Colorado.
110 FEA	Report	08/01/75	Topography	USDOA		Range site description for sandy bottom land, central high plains, and central high table land.
111 FEA	Report	12/01/75	Topography	USDOA		Range site description for solid flat.
67 FEA	Report	02/01/76	Flood Hazard	Colorado UD&FC		History and study of Adams County flood planning area.
71 FEA	Report	02/01/77	Major Drainage Way Planning	Camp Dresser		Report on major drainage way planning for Westerly Creek.
82 FEA	Report	03/01/77	Drainage Way Planning	UD&FC Dist.		First creek, phase B major drainage way planning, Adams County.

APPENDIX 9  
PPM 5050.1

EXHIBIT 9A-1b  
SAMPLE INDEX

OCT 0 1 1993

EXHIBIT 9A-2a

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA COURT

CITY OF SAINT PAUL, et al,	)	
	)	
Petitioners,	)	
	)	No. 88-1499
v.	)	
	)	
FEDERAL AVIATION ADMINISTRATION, et ano,	)	
	)	
Respondents.	)	
	)	

CERTIFICATION

The Federal Aviation Administration (FAA), acting by its Regional Counsel, hereby certifies that the materials described in the attached list constitute the complete record on review pertaining to the July 14, 1988, approval by the FAA of the Metropolitan Airport Commission (MAC) Test Program. This approval by the FAA is the subject of the petition for review in the above-captioned case.

The attached list has been prepared, and is filed, in accordance with Rules 16 and 17 of the Federal Rules of Appellate Procedure

ALAN G. SUMBERG  
Associate Regional Counsel  
FAA, Great Lakes Region  
2300 East Devon Avenue, AGL-7  
Des Plaines, IL 60018

OCT 01 1993

EXHIBIT 9A-2b

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA COURT

CITY OF SAINT PAUL, et al,

Petitioners,

v.

FEDERAL AVIATION ADMINISTRATION, et ano,

Respondents.

No. 88-1499

CERTIFICATED LIST OF MATERIALS COMPRISING  
THE ADMINISTRATIVE RECORD PERTAINING TO THE  
FEDERAL AVIATION ADMINISTRATION'S FINAL ORDER  
ISSUED JULY 14, 1988

<u>DATE</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
	Airport Diagram	1
Feb. 15, 1974	FAA Tower Order -- Runway Use Program -- Noise Abatement	2-5
Aug. 15, 1982	FAA Tower Order 7100.4 -- Runway Use Program-Noise Abatement	6-7
Feb. 23, 1987	MAC Memorandum -- Noise Abatement "Brainstorming" Session (w/attachments)	8-10
April 1987	Minneapolis/St. Paul International Airport -- FAR Part 150 Submittal -- Draft	11-14
Jun. 3, 1987	MAC Memorandum scheduling Brainstorming Committee Meeting	15
Jun. 16, 1987	Meeting: MAC Brainstorming Committee -- Handouts and Notes including History of Preferential Runway System	16-42
Jul. 22, 1987	Meeting: MAC Brainstorming Committee -- Notes and Attachments	43-59
Aug. 5, 1987	Meeting: MAC Brainstorming Committee -- Notes and Attachments	60-100

OCT 01 1993

EXHIBIT 9C  
COMPUTER DATABASE APPLICATION  
(RESERVED)

OCT 01 1993

APPENDIX 10

GUIDE FOR RESPONDING TO REQUESTS  
FOR DOCUMENTS UNDER THE FREEDOM  
OF INFORMATION ACT

(TO BE DEVELOPED)



OCT 01 1993

APPENDIX 11  
OTHER CONSIDERATIONS  
(TO BE DEVELOPED)

OCT 01 1993

APPENDIX 12

FAA REPORTS AND ADVISORY CIRCULARS (AC'S)  
DEALING WITH ENVIRONMENTAL ISSUES

FAA AC 150/5050-4, Citizen Participation in Airport Planning

FAA AC 150/5300-13, Airport Design

FAA AC 150/5050-6, Airport Land Use Compatibility Planning

FAA AC 150/5020-1, Noise Control and Compatibility Planning For Airports

FAA AC 150/5100-11, Land Acquisition and Relocation Assistance

FAA Report No. FAA-EE-82-21, Air Quality Procedures for Civilian Airports and Air Force Bases (sometimes referred to as the "Air Quality Handbook")

FAA Order 5200.5A, Waste Disposal Sites On or Near Airports

FAA AC 150/5370-10A, Standards for Specifying Construction of Airports  
(Item P-156, Temporary Air and Water Pollution, Soil Erosion, and  
Siltation Control)

DOT Order 4600.12, Intergovernmental Review of Transportation Programs and Activities

FAA Order 1200.21B, Intergovernmental Review of FAA Programs

FAA AC 150/5100-14B, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects

OCT 01 1993

APPENDIX 13  
GUIDE FOR UNDERTAKING ENVIRONMENTAL  
SCOPING PROCESS  
(TO BE DEVELOPED)

OCT 01 1993

APPENDIX 14

GUIDE FOR THIRD PARTY CONTRACTING FOR PREPARATION OF  
ENVIRONMENTAL IMPACT STATEMENTS

OCT 01 1990

APPENDIX 14A-1a  
MEMORANDUM OF UNDERSTANDING  
DIRECT SPONSOR/FAA EIS

MEMORANDUM OF UNDERSTANDING  
Between  
UNITED STATES FEDERAL AVIATION ADMINISTRATION  
And  
[SPONSOR]

1. Introduction and Purpose

[PROVIDE A BRIEF DESCRIPTION OF THE PROJECT THE AIRPORT SPONSOR IS PROPOSING AND THE ACTIONS REQUIRING PREPARATION OF AN EIS]

As lead agency, the FAA will select an independent contractor to prepare the EIS. The Sponsor shall be the party responsible for engaging and retaining a contractor with funds provided by the Sponsor. The EIS and any related documents shall comply with the provisions of the National Environmental Policy Act of 1969 (NEPA) and appropriate Council on Environmental Quality (CEQ), United States Department of Transportation (DOT), and United States Federal Aviation Administration (FAA) regulations and guidance related to NEPA, as well as all other applicable local, state and Federal laws, as appropriate.

It is the purpose of this Memorandum of Understanding (MOU) to establish an understanding between the Sponsor and the FAA regarding the responsibilities of the parties and the conditions and procedures to be followed in the development and preparation of the EIS.

The parties hereto intend that development and preparation of the EIS as provided in this MOU will, to the extent possible, satisfy the pertinent environmental requirements of the FAA.

2. General Provisions

a. The FAA shall be the lead agency and will be responsible for assuring compliance with all the requirements of the NEPA (42 U.S.C. 4321 et seq.), CEQ Regulations (40 C.F.R. Parts 1500-1508), and appropriate DOT and FAA environmental orders. The FAA shall assure that all pertinent environmental issues and impacts, and reasonable alternatives and their impacts are treated in the EIS, and shall be responsible for the scope and content of the EIS.

b. The Sponsor will, subject to internal Sponsor review/approval processes, engage and retain, at its cost, an independent Contractor, ("Contractor"), selected by the FAA, for the preparation of the EIS. The Contractor, with the approval of the FAA and Sponsor, may employ such other Contractors and experts (collectively referred to as "Subcontractors"), as are required for the adequate development and preparation of the EIS.

c. The Contractor will provide, through its staff or by Subcontractor, the expertise, staffing, and technical capabilities required for the preparation of the EIS. The FAA will determine the scope of the EIS and will independently evaluate all information, environmental data and analyses submitted by the Contractor or others, and revise or cause additional study and analyses to be performed as necessary.

d. The Contracts between the Sponsor and Contractor and between the Contractor and Subcontractors (collectively the "Contract") shall be consistent with the provisions of this MOU and shall specifically incorporate those

OCT 01 1993

provisions herein which address the conduct of the Contractor. The Contract shall provide, and the Sponsor hereby represents consistent with FAA Order 5050.4A, Paragraph 76(g), that the Sponsor has not entered into and during the lifetime of the EIS preparation will not enter into any agreement, affording the Contractor and any Subcontractors with any direct or indirect financial interest in the planning, design, construction or operation of the Project except with regard to the preparation of the EIS. Further, the Sponsor shall ensure that the Contract shall specifically limit any remedies available to the Contractor and any Subcontractors, so as to affirmatively relieve the United States of America, the FAA, and any officer, agent or employee of same, from any liability arising out of the performance or termination of the contract for preparation of an EIS on the Project, or out of this MOU.

(1) The Contractor and any Subcontractors shall sign a "Disclosure Statement" provided by the FAA per the requirements of FAA Order 5050.4A, specifying they have no direct or indirect financial or other interest in the outcome of the project.

(2) The FAA shall evaluate the Disclosure Statement prior to its approval.

e. The Sponsor shall coordinate the exchange of information related to the planning, design, and construction of the Project, as these activities relate to the preparation of the EIS among and between the Contractor and its Subcontractors, if any, and the FAA. The Sponsor shall make all reasonable efforts to assure the satisfactory and timely performance of the duties of the Contractor as specified in this MOU.

f. The Sponsor and FAA shall:

(1) Appoint such representatives as each deems necessary to accomplish the coordination necessary for the satisfactory preparation of the EIS. Notice to any such representative shall constitute notice to that party.

(2) Review substantive phases of preparation of the EIS.

(3) Have their appointed representatives attend meetings with other federal, state, regional, and local agencies for the purpose of increasing communications and receiving comments, as the same may be necessary, desirable, or required by law in preparation of the EIS.

g. All costs incurred in connection with the Sponsor's employment of the Contractor and the Contractor's employment of any and all Subcontractors, or other persons retained or employed by the Sponsor shall be the sole responsibility of the Sponsor and the Sponsor agrees to hold harmless and indemnify the FAA, its officers, agents, and employees, with respect to any and all judgments or settlements arising from claims, demands, causes of action, and the like, in connection with the Sponsor's employment of the Contractor and the Contractor's employment of any and all Subcontractors which may arise from the termination or performance of the Contract or any other services, or purchase of materials contracted for by the Sponsor, Sponsor's Contractor or such Contractor's Subcontractors utilized for the development and preparation of the EIS, or from termination of this MOU. This indemnification by the Sponsor does not extend to administrative or legal costs of the FAA, including suits by third parties (other than the Contractor or its Subcontractors) against the FAA involving the legality or adequacy of the FAA's compliance with NEPA and other laws and regulations, to the extent of the FAA's liabilities on those issues. The Sponsor shall cooperate and shall ensure that the Contractor cooperates in defense of any such suit.

OCT 01 1993

3. Procedures

a. The Contractor shall develop and submit to the FAA for approval a Plan of Study which shall include detailed descriptions of all work to be performed, the methodologies proposed to perform the work, the name and qualifications of the person performing each aspect of the work, estimated manhours required for completion of each aspect, the schedule for performing each aspect and a description of the internal and external review procedures to assure quality control. Also, the Plan of Study shall include a provision for a thorough literature search and bibliography of references and methodologies to be used in the acquisition of the environmental data and analyses and the development and preparation of the EIS.

b. The FAA will forward the Plan of Study to the Sponsor for review and comment. After receiving comments from the Sponsor and the scoping process conducted pursuant to 40 CFR Sec. 1501.7, the FAA will finalize the Plan of Study. The Plan of Study and this MOU shall establish the scope of work required of the Contractor in the development and preparation of the EIS.

c. The Plan of Study may be amended by the FAA from time to time as the work of the Contractor or its Subcontractors proceeds, but any amendments or changes which require the expenditure of additional funds by the Sponsor must be agreed to by the Sponsor. The Sponsor will be notified and consulted prior to any amendments or modifications to the Plan of Study.

d. Unless otherwise directed by the FAA, any and all work performed by the Contractor and its Subcontractors in preparation of the EIS shall be submitted directly to the FAA, and upon request of the FAA, to the Sponsor. The Sponsor may communicate with the Contractor and its Subcontractors during the development of the EIS, but in no case will the Sponsor discuss, review, modify, or edit the Contractor's work or the work of its Subcontractors prior to submission to the FAA, or be provided the opportunity to do so. All suggestions for modifications or changes to such sections recommended by the Sponsor shall only be made to the FAA.

e. The FAA reserves the right to review periodically and modify the work of the Contractor to ensure that requirements under NEPA and other applicable laws and regulations are satisfied. The Contractor shall submit monthly written reports on the progress of their work to the FAA, with a concurrent copy to the Sponsor. This report shall describe the present status of each aspect of the work, any problems encountered, and recommendations for modifications to the Plan of Study and any changes in personnel, methodology or schedules for completion.

f. As each portion of any draft or final document is completed, the FAA shall review each portion and those tasks completed thereunder and after receipt of comments from the Sponsor, shall approve, modify, comment thereon and/or direct further work with regard to such portion or tasks as necessary. Said directions and/or comments shall be made by the FAA in a timely manner, and the Contractor shall ensure incorporation of such comments into any editorial changes to the satisfaction of the FAA. Final drafts of any documents will require FAA approval. Prior to approval, the FAA will coordinate with the Sponsor for their review and comment. Comments from the Sponsor shall be sent to the FAA. The Contractor will only make modifications as the FAA directs regarding these comments.

g. If requested, the Contractor will provide the FAA access to and review of all procedures and underlying data used by the Contractor in developing submitted sections of the EIS, including, but not limited to, field reports, Subcontractor reports, and interviews with concerned private and public parties, whether or not such information may be contained in a draft or final EIS. The Sponsor will have access to such procedures and underlying data. Such access by the FAA and Sponsor shall be governed by paragraph 3.t hereunder.

OCT 01 1993

h. To facilitate the development and preparation of the EIS, joint meetings among the FAA, Sponsor, and Contractor may be held. However, the FAA reserves the right to work directly with the Contractor for purposes of assuring objectivity in preparing reports and/or for assuring expeditious communications. The Contractor will notify the FAA and Sponsor of any substantive meetings that are scheduled and of their purpose and will provide an opportunity for the parties to attend if desired. No meeting will be held between the Contractor or Sponsor without prior notification to and approval of the FAA. A summary of all matters relating to the EIS discussions in any meetings or communications between the Contractor and a party hereto without the participation of the other said party will be included in each formal monthly report submitted by the Contractor to the FAA and Sponsor. The FAA reserves the right to consult directly with other federal, state, and local officials and agencies during the preparation of the EIS to assure compliance with NEPA and other applicable laws and regulations.

i. The Sponsor shall assure the full cooperation of the Contractor and its Subcontractors with respect to participating in any public workshops, hearings, or meetings as required by the FAA to foster public familiarity and participation with respect to the assessment of impacts related to the Project.

j. The Contractor will be responsible for the costs associated with the printing and publication of the draft and final copies of the EIS. The Contractor will be responsible for all costs associated with the publication of notices announcing public workshops, meetings and hearings and the like. The Contractor will also be responsible for costs of stenographic and clerical services, preparation of graphics, and visual aids associated with any public workshops, meetings, and hearings.

k. At such time as the FAA, after consultation with the Sponsor, has approved the draft EIS developed and prepared by the Contractor and its Subcontractors, the Contractor shall print the contracted quantity of draft EIS's and submit same to the FAA. The FAA shall submit an appropriate number of copies to the Sponsor. The FAA shall proceed expeditiously to comply with the provisions of the NEPA.

l. In all instances involving questions as to the content or relevance of the environmental data and analyses, and evaluations and wording prepared by the Contractor, the FAA will make the final determination on the inclusion, deletion or modification of the same in the EIS.

m. Upon completion of the draft EIS, the FAA, with the Contractors assistance, shall be responsible for organizing and conducting any public hearings.

n. The FAA will receive all comments during the draft EIS review and comment period. This period (at least 45 days) will be initiated when EPA publishes the "Draft EIS Availability" in the Federal Register.

o. At the close of the draft EIS review and comment period, the FAA shall identify the issues and comments submitted which will require response in the final EIS. The FAA will direct those comments to the Contractor for preparation of proposed responses, and shall furnish the Sponsor with copies of all comments received. The Contractor will furnish proposed responses to the FAA and Sponsor for review. The FAA shall modify the proposed responses as it deems necessary.

p. After receipt of comments and preparation of responses, the FAA may direct the Contractor to make changes to the text of the draft EIS as necessary.

q. At such time as the FAA has approved the final EIS, the Contractor shall print the contracted quantity of final EIS's. The FAA shall submit an



LOCT 01 1991

appropriate number of copies to the Sponsor. The FAA shall proceed expeditiously to comply with the provisions of the NEPA.

r. The FAA will receive all comments during the final EIS review and comment period. This period (at least 30 days) will be initiated when the EPA publishes the "Final EIS Availability" in the Federal Register.

s. The FAA, with assistance from the Contractor, will prepare and issue the Agency Record of Decision.

t. The FAA will maintain the confidentiality of, and will not release or allow access to, any information, documents or materials which in its opinion are validly designated as confidential by the Sponsor or Contractor and which contain trade secrets, proprietary data, or commercial or financial information. Information developed under this MOU is disclosable to the public to the extent required by law. In any instance where the FAA proposes to release to the public or allow access to any information, documents or materials which the Sponsor or Contractor has designated as confidential, it shall notify the Sponsor or Contractor of its intention to do so and provide the Sponsor or Contractor the opportunity to appeal the decision in accordance with applicable regulations on such release or access prior to any such release or access.

#### 4. Cessation and Termination

a. Any of the parties to this MOU may withdraw from the terms of this MOU for good cause upon 30 days written notice to the other party. During this period, the parties will actively attempt to resolve any disagreement.

b. In the event of a termination of this MOU, and if the preparation of an EIS by the FAA is still required, it is agreed as follows:

(1) The FAA shall have access to all documentation, reports, analyses and data by the Consultant with confidentiality governed by paragraph 3.t.

(2) The FAA shall assume the responsibility for preparing the EIS. The Sponsor shall no longer be responsible for the payment of costs associated with preparation of the EIS, apart from costs already incurred under the Sponsor's contract with the Contractor.

(3) Liability for termination shall be in accordance with paragraph 2.g. hereof.

5. No Rights for Non-Parties. No rights or privileges are created or intended to be created by this MOU in anyone not a signatory of this MOU.

6. Modification. This MOU may be modified by the parties hereto only by written agreement by all the parties.

OCT 01 1993

United States Federal Aviation Administration

\_\_\_\_\_  
[FAA SIGNATORY AND TITLE]

\_\_\_\_\_  
Date

[AIRPORT SPONSOR NAME]

\_\_\_\_\_  
[SPONSOR SIGNATORY AND TITLE]

\_\_\_\_\_  
Date

OCT 01 1993

EXHIBIT 14A-2a  
DRAFT MEMORANDUM OF UNDERSTANDING  
CONCURRENT SPONSOR EA/FAA EIS

MEMORANDUM OF UNDERSTANDING  
Between  
UNITED STATES FEDERAL AVIATION ADMINISTRATION  
And  
[SPONSOR]

1. Introduction and Purpose

a. This Memorandum of Understanding (MOU) provides a framework in which the United States Federal Aviation Administration (FAA) will perform an Environmental Impact Statement (EIS) for [Sponsor] to be located in [Location], herein referred to as the "Project." Subject to the completion of this EIS, the FAA will review the material therein and issue its findings as set forth in a Record of Decision (ROD).

b. This MOU describes the relationship between the FAA and the [Sponsor Name] (Sponsor) in preparing an EIS, which is necessary for the Project because the development of [Project] is expected to create significant environmental impacts on the [Project].

c. The FAA, in completing its EIS, will work with the Sponsor. The Sponsor will assist the FAA by providing environmental information and other services as described herein.

d. As lead agency, the FAA will select an independent contractor to assist the FAA in the preparation of the EIS. The Sponsor shall be the party responsible for engaging and retaining that Contractor with funds provided by the Sponsor. The EIS and any related documents shall comply with the provisions of the National Environmental Policy Act of 1969 (NEPA) and appropriate Council on Environmental Quality (CEQ), United States Department of Transportation (DOT), and FAA regulations, as well as all other applicable local, state and federal laws, and pertinent environmental requirements of the FAA and the Sponsor, as appropriate.

e. It is the purpose of this MOU to establish an understanding between the Sponsor and the FAA regarding the responsibilities of the parties and the conditions and procedures to be followed in the development and preparation of the EIS.

2. General Provisions

a. The FAA shall be the lead agency and will be responsible for assuring compliance with all the requirements of the NEPA (42 U.S.C. 4321 et seq.), CEQ Regulations (40 C.F.R. Parts 1500-1508), and appropriate DOT and FAA orders. The FAA, shall assure that all pertinent environmental issues and impacts, and reasonable alternatives and their impacts, are treated in the EIS and shall be responsible for the scope and content of the EIS.

b. The Sponsor will engage and retain, at its cost an independent Contractor, hereinafter referred to as the "Contractor", selected by the FAA, for the preparation of the EIS. The FAA shall approve, prior its execution, the contract between the Sponsor and the Contractor. The Contractor, with the approval of the FAA and the Sponsor, may employ such other Contractors and experts (collectively referred to as Subcontractors), as are required for the adequate development and preparation of the EIS.

OCT 01 1993

c. The Contractor will provide, through its staff or by Subcontractor, the expertise, staffing and technical capabilities required for the preparation of the EIS. The FAA will determine the scope of the EIS; will independently evaluate all information, environmental data and analyses submitted by the Contractor, the Sponsor, or others; and will revise, or cause to be performed, additional study and analyses as necessary subject to item 3.c. below. The FAA in performing the above will provide opportunity for the Sponsor to comment.

d. The contracts between the Sponsor and the Contractor and Subcontractors (collectively the "Contract") shall be consistent with the provisions of this MOU and shall specifically incorporate those provisions herein which address the conduct of the Contractor. Further, the Sponsor shall ensure that the Contract shall specifically limit any remedies available to the Contractor and any Subcontractors, so as to affirmatively relieve the United States of America, FAA, and any officer, agent or employee of same, from any liability arising out of the performance or termination of the Contract on the Project, or this MOU.

(1) The Contractor and any Subcontractors shall sign a "Disclosure Statement" provided by the FAA, per the requirements of FAA Order 5050.4A, specifying they have no financial or other interest in the outcome of the project.

(2) The FAA shall evaluate and approve all Disclosure Statements prior to the execution of a Contract by the Sponsor or subcontract by the Contractor.

e. The Sponsor shall facilitate the coordination effort and the exchange of information related to the planning, design, and construction of the Project, as they relate to the preparation of the EIS among and between the Contractor and its Subcontractors, if any, and the FAA. The Sponsor shall make all reasonable efforts to assure the satisfactory and timely performance of the duties of the Contractor as specified in this MOU.

f. The FAA and the Sponsor shall:

(1) Appoint such representatives as each deems necessary to accomplish the coordination necessary for the satisfactory preparation of the EIS. Notice to any such representative shall constitute notice to that party.

(2) Review substantive phases of preparation of the EIS as each deems necessary.

(3) Have their respective representatives attend meetings with other federal, state, regional, and local agencies for the purpose of increasing communications and receiving comments, as the same may be necessary, desirable, or required by law in preparation of the EIS.

(4) Ensure coordination of effort and exchange of data and information.

g. [FUNDING RESERVED].

h. [PAYMENTS RESERVED].

### 3. Procedures

a. The Contractor shall develop and submit a Scope of Work to the FAA and the Sponsor for approval by the FAA. The Scope of Work shall include detailed descriptions of all work to be performed, the methodologies proposed to perform the work, the name and qualifications of the persons performing each aspect of the work, estimated hours required for completion of each aspect (task), the schedule for performing each aspect and a description of the

OCT 01 1993

internal and external review procedures to assure quality control. Also, the Scope of Work shall include a provision for a thorough literature search and bibliography of references and methodologies to be used in the acquisition of the environmental data and analyses and the development and preparation of the EIS.

b. After receiving comments from the Sponsor, the FAA will finalize and approve the Scope of Work subject to Item 3.c. below. The Scope of Work and this MOU shall establish the work required by the Contractor in the development and preparation of the EIS.

c. The Scope of Work may be amended by the FAA from time to time as the work of the Contractor or its Subcontractors proceeds, but any amendments or changes which require the expenditure of additional funds by the Sponsor must be agreed to by the Sponsor. The Sponsor will be notified and consulted prior to significant amendments or modifications to the Scope of Work.

d. Unless otherwise directed by the FAA, any and all work performed by the Contractor and its Subcontractors in preparation of the EIS shall be submitted directly to the FAA, and upon request of the FAA, to the Sponsor. The Sponsor may communicate with the Contractor and its Subcontractors during development of the EIS, but no prior review or discussion of data or analyses developed by the Contractor or its Subcontractors as related to the EIS shall be afforded the Sponsor. In no case will the Sponsor review, modify, or edit the Contractor's work or the work of its Subcontractors prior to submission to the FAA, or be provided the opportunity to do so. All suggestions for modifications or changes to such sections recommended by the Sponsor shall only be made to the FAA.

e. The FAA reserves the right to review periodically and modify the work of the Contractor to assure that requirements under NEPA and other applicable laws and regulations are satisfied. The Contractor shall submit monthly written reports on the progress of their work to the FAA, with concurrent copies to the Sponsor. This report shall describe the present status of each aspect of the work, any problems encountered, and recommendations for modifications to the Scope of Work and any changes in personnel, methodology or schedules for completion.

f. As each portion of any draft or final document is completed, the responsible FAA official shall review each portion and those tasks completed thereunder and after consultation with the Sponsor, shall approve, modify, comment thereon and/or direct further work with regard to such portion or tasks as necessary. Said directions and/or comments shall be made by the FAA in a timely manner, and the Contractor shall ensure incorporation of such comments into any editorial changes to the satisfaction of the FAA. Final drafts of any documents will receive FAA approval. Prior to approval, the FAA will coordinate with the Sponsor for its reviews and comments. Comments from the Sponsor shall be sent to the FAA. The Contractor will only make modifications as the FAA directs regarding these comments.

g. If requested, the Contractor will provide the FAA and the Sponsor access to and review of all procedures and underlying data used in developing submitted sections of the EIS, including, but not limited to, field reports, Subcontractor reports, and interviews with concerned private and public parties, whether or not such information may be contained in a draft or final EIS.

h. To facilitate the development and preparation of the EIS, joint meetings among the FAA, the Sponsor, and the Contractor may be held. However, the FAA reserves the right to work directly with the Contractor for purposes of assuring objectivity in preparing reports and/or for assuring expeditious communications. The Contractor will notify the FAA and the Sponsor of any substantive meetings that are scheduled with outside parties and of their purpose and will provide an opportunity for the other parties to attend if

OCT 01 1993

desired. No meeting will be held between the Contractor or the Sponsor without prior notification to and approval of the FAA. A summary of all matters relating to the EIS discussions in any meetings or communications between the Contractor and one or more of the parties hereto without the participation of both parties will be included in each formal monthly report submitted by the Contractor to the FAA and the Sponsor. The FAA reserves the right to consult directly with other federal, state, and local officials and agencies during the preparation of the EIS to assure compliance with NEPA and other applicable laws and regulations.

i. The Sponsor shall assure the full cooperation of the Contractor and its Subcontractors with respect to participating in any public workshops, hearings, or meetings as required by the FAA to foster public familiarity and participation with respect to the assessment of impacts related to the Project.

j. At such time as the FAA has approved the draft EIS, the Sponsor shall print the contracted quantity of draft EIS's. The Sponsor shall make distribution as directed by the FAA. At that time the Sponsor will retain an appropriate number of copies. The FAA shall proceed expeditiously to comply with the provisions of NEPA.

k. In all instances involving questions as to the content or relevance of the environmental data and analyses, evaluations, and wording prepared by the Contractor, the FAA will make the final determination on the inclusion, deletion, or modification of the same in the EIS.

l. Upon completion of the draft EIS, the Sponsor shall organize any appropriate public hearings.

m. The Contractor will receive all comments directed to the FAA during the draft EIS review and comment period. This period (at least 45 days) will be initiated when EPA publishes the "Draft EIS Receipt" in the Federal Register.

n. At the close of the draft EIS review and comment period, the Contractor, with the advice and consultation of the FAA, shall identify and categorize the issues and comments submitted which will require response in the final EIS. The Contractor will direct those comments to the Sponsor for preparation of proposed responses and will supervise the preparation of responses. The Contractor will furnish proposed responses to the FAA for review. Upon direction of the FAA the proposed responses shall be modified as the FAA deems necessary.

o. After receipt of the comments and the preparation of the responses, the FAA may direct the Contractor to make editorial changes to the text of the draft EIS as necessary.

p. At such time as the FAA has approved the Final Environmental Impact Statement (FEIS), the Sponsor shall print the contracted quantity of Final EIS's. The Sponsor shall make distribution as directed by the FAA. At that time the Sponsor will retain an appropriate number of copies. The FAA shall proceed expeditiously to comply with the provisions of NEPA.

q. The Contractor will receive all comments directed to the FAA during the final EIS review and comment period. This period (at least 30 days) will be initiated when EPA publishes the "Final EIS Receipt" in the Federal Register.

r. The FAA, with assistance from the Contractor, will prepare and issue the Agency Record of Decision.

s. The FAA will comply with provisions of the Freedom of Information Act (FOIA) and the Sponsor will comply with provisions of the Illinois Freedom of Information Act. Consistent with these, they will maintain the

OCT 01 1993

confidentiality of, and will not release or allow access to, any information, documents or materials which in its opinion are validly designated as confidential by the FAA, the Sponsor or the Contractor and which contain trade secrets, proprietary data, deliberative material or commercial or financial information. In any instance where the FAA or the Sponsor proposes to release to the public or allow access to any information, documents, or materials which the Sponsor or the Contractor has designated as confidential, it shall notify the Sponsor or the Contractor of its intention to do so and provide the Sponsor or the Contractor the opportunity to appeal the decision in accordance with applicable regulations on such release or access prior to any such release or access. At the direction of the FAA, the Contractor will compile, copy, and distribute the FAA FOIA requests, details of which will be contained in the Contractor's Scope of Work.

4. Cessation and Termination

a. Either party to this MOU may withdraw from the terms of this MOU for good cause upon 30 days written notice to the other party. During this period, the parties will actively attempt to resolve any disagreement. Cessation by the FAA or the Sponsor will terminate this MOU.

b. In the event of a termination of this MOU, and if the preparation of an EIS by the FAA is still required, it is agreed as follows:

(1) The FAA shall have access to all documentation, reports, analyses and data by the Contractor with confidentiality governed by paragraph 3.s.

(2) The FAA shall assume the responsibility for preparing the EIS.

(3) Liability for termination shall be in accordance with paragraph 2.g. hereof.

5. No Rights for Non-parties. No rights or privileges are created or intended to be created by this MOU in anyone not a signatory to this MOU.

6. Modification. This MOU may be modified by the parties hereto only by written agreement by all parties.

[Sponsor]

\_\_\_\_\_  
(Sponsor Signatory and Title)

\_\_\_\_\_  
Date

United States Federal Aviation Administration

\_\_\_\_\_  
(Name), Manager,

\_\_\_\_\_  
Date

(Appropriate) Airports District Office

OCT 01 1993

APPENDIX 14-2b  
SAMPLE SCOPE OF WORK FOR FAA "SELECTED CONTRACTOR  
TO PREPARE ENVIRONMENTAL IMPACT STATEMENT  
CONCURRENT SPONSOR EA/FAA EIS

[PROJECT]  
ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED SCOPE OF WORK

This proposed Scope of Work outlines the tasks to be performed by the Federal Aviation Administration's (FAA) selected contractor ("the Contractor") in the anticipated preparation of an Environmental Impact Statement (EIS) for [Project]. The Contractor will be responsible for providing assistance to the FAA in the anticipated preparation of the EIS, which is intended to run concurrent with the [Sponsor] ("the Sponsor's") preparation of an Environmental Assessment. A description of the responsibilities are highlighted in the tasks below.

The EIS is anticipated to be prepared in response to proposed development of [Project].

The EIS shall conform with, and be processed in a manner consistent with Federal statutes, regulations and guidelines. The final product shall conform with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), Council on Environmental Quality (CEQ) regulations (40 C.F.R. Parts 1500-1508), and applicable DOT and FAA Orders. Contractor personnel assigned to this project shall possess a thorough working knowledge of these documents.

The Contractor will perform the following tasks to further the FAA's EIS:

(1) Review the Environmental Assessment (EA) and Master Plan prepared by the Sponsor, and any additional analysis, coordination and documentation. Provide to the FAA recommendations regarding potential additional studies in time to incorporate same in the preparation of the Environmental Assessment; (2) facilitate the Environmental Assessment/EIS Scoping process to conform with Environmental Impact Statement requirements in a manner that will provide for a non-duplicative initial scoping during the EA; (3) aid in the preparation of the Draft EIS (DEIS) based on the data provided in the Sponsor's EA; (4) facilitate the printing and distribution of the DEIS; (5) public hearing (may or may not be necessary); (6) review of comments received on DEIS; (7) facilitate the preparation of responses to comments on the DEIS; (8) aid in the preparation of the Final EIS (FEIS); (9) facilitate the printing and distribution of the FEIS; (10) review of comments received on the FEIS; (11) facilitate the preparation of responses to comments on the FEIS; (12) assist in the preparation of the record of decision; (13) assembly of a document record and index. (14) processing freedom of information act requests.

TASK 1 - REVIEW EA/ADVISE OF ADDITIONAL STUDIES

The Contractor will review the EA and any additional analysis prepared and provide to the FAA recommendations regarding additional studies in time to incorporate same in the preparation of the Environmental Assessment. The Contractor will assign personnel with appropriate technical background to: (1) review the EA, and (2) recommend potential additional studies that may be needed for inclusion in the DEIS (e.g., historic surveys, archaeological surveys, etc.).

The EA will be reviewed by the FAA and the Contractor and examined with respect to the requirements of applicable DOT and FAA Orders. If any deficiencies are identified, the Contractor will recommend to the FAA a course of action, including any additional studies that may be needed to support the Sponsor's environmental assessment. If agreed upon by FAA, the additional studies will



OCT 01 1993

be conducted by the Sponsor and the results included in the EA, and subsequent EIS.

The Contractor will meet with FAA (and the Sponsor as may be directed by the FAA) to discuss its review of the EA as it relates to DEIS content/format preparation.

The Contractor will also be responsible for active participation, subject to FAA approval, in related environmental coordination and public involvement meetings.

#### TASK 2 - FACILITATE THE ENVIRONMENTAL ASSESSMENT/EIS SCOPING PROCESS

The Contractor will supervise the Environmental Assessment/EIS Scoping process to conform with Environmental Impact Statement requirements in a manner that will provide for a non-duplicative initial scoping during the EA. The Contractor will provide supervision during the review of Environmental Assessment/EIS scoping comments.

The Contractor will assist the FAA in the preparation of the Notice of Intent to prepare an EIS and provide additional assistance in arranging for and conducting a FAA Scoping Meeting.

The Contractor will review the scoping comments received. The Contractor will provide to the FAA recommendations regarding potential additional studies in time to incorporate same in the preparation of the EA, and subsequent EIS. The FAA will review all scoping comments taking into account and evaluating the Contractor's recommendations and then direct the Sponsor who will conduct those additional studies, and include the results in the EA/EIS. Additionally, a summary of the scoping process will be prepared by the Contractor in consultation with the FAA.

#### TASK 3 - AID IN THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The Contractor will aid in the preparation of a Draft Environmental Impact Statement (DEIS) based on the data provided in the Sponsor's EA and subsequent supplemental environmental information if applicable. The FAA will furnish guidance and participate in the preparation and will independently evaluate the statement prior to its issuance and take responsibility for its scope and content. The Contractor will assign personnel with appropriate technical background to review appropriate sections of the EA and prepare DEIS-quality text. The information contained in the DEIS will be based principally upon review/analysis of the EA being prepared concurrently for the [Project] by the [Sponsor], the scoping comments that have been received and categorized by the Sponsor, and the results of additional studies authorized by the FAA.

Computer disks containing the original text and tables of the EA and other analyses (i.e. noise, air quality, forecasts, capacity and modeling) will be provided by the Sponsor to the Contractor for conversion to the DEIS. The Contractor will accept responsibility for factual material, results and assumptions made or reviewed as included in the DEIS. However, this liability extends only to that data and/or assumptions which are factual and which are provided for the Contractor's review.

The intent of the FAA is to utilize studies completed in the EA, to the extent possible, in the EIS. To facilitate this objective, the Contractor with guidance and approval of the FAA will perform the tasks set forth below to facilitate the ability to include the EA studies in the EIS. These will be performed in conjunction with Task 1 above.

The EA shall be formatted by the Sponsor to facilitate its inclusion within the DEIS. This will be accomplished by early coordination by the FAA and the Contractor with the Sponsor.

OCT 01 1993

**PURPOSE AND NEED:** The Contractor will use the EA and Master Plan as the base of information to be summarized in the Purpose and Need section of the DEIS. The FAA will review and approve the purpose and need section for the project prior to the selection of viable alternatives, discussed below.

**ALTERNATIVES:** The Contractor will use the EA and Master Plan as the base of information summarized in the Alternatives section of the DEIS. This task will address the viability of alternatives to the proposed action. The Sponsor will be responsible for addressing all alternatives as a part of the EA and identifying a preferred alternative.

The ability of all reasonable alternatives to meet the stated purpose and need of the project will be reviewed and examined through the EA process. The viable alternatives will be selected from this analysis for detailed evaluation in the environmental consequences section of the EA, and subsequent anticipated EIS. Evaluation/review of all alternatives will be to the extent and depth of data provided by the Sponsor through the EA and any required supplemental environmental information. The review will focus on the relative advantages and disadvantages of each alternative. The alternatives for each action shall be clearly and concisely compared, and will lead to the reasoning for the inclusion in (or elimination from) further evaluation. The results of the review will be documented and summarized in the Alternatives section of the DEIS, and submitted to the FAA. This analysis will be reviewed and approved by the FAA prior to the examination of impacts under Environmental Consequences, as described below.

**AFFECTED ENVIRONMENT:** This task will involve a summarization of the data collected in the EA to identify the background conditions from which environmental impacts of the project will be compared. Background information will be concisely summarized in the anticipated EIS document.

**ENVIRONMENTAL CONSEQUENCES:** This task will involve the summarization of the EA's technical analyses of the direct and indirect environmental effects of the proposed action(s) and other reasonable alternatives for specific impact categories listed in FAA Order 5050.4A, along with any additional impact categories analyzed in the EA. Where applicable, this section will address and summarize any mitigation measure alternative that may be required to reduce adverse effects.

For each impact category of the environmental consequences section of the EA one of the following courses of action will be followed in determining the scope of material to be prepared by the Contractor for the DEIS:

(1) In accordance with the criteria of FAA Order 5050.4A, if the analysis of the EA and any supplemental environmental information indicate that the impacts are not significant, a concise, clear and to the point statement supported by evidence and a reference to the appropriate section(s) of the EA or supplemental environmental information, will be prepared by the Contractor and used in preparing the DEIS.

(2) If the analysis of the EA and supplemental environmental information indicate that the impacts are significant, the Contractor will recommend to the FAA a course of action, and the Sponsor will be responsible to fully address those impacts as part of the EA for use in the EIS. The Contractor will be responsible for advising the FAA as to its adequacy. If the additional analysis is required, the Contractor will provide FAA with an additional recommended course of action.

As part of the Sponsor's EA, all of the environmental impact categories specified in FAA Order 5050.4A will be reviewed and revised by the Sponsor as necessary to meet FAA requirements.

OCT 01 1993

**OTHER CONSIDERATIONS:** Any other environmental considerations which may be applicable or pertinent to the proposed improvements will be addressed as required by FAA Order 5050.4A in time to incorporate same in the preparation of the Environmental Assessment. The proposed project's relationship to other plans, directives, and goals of the communities will be examined. The cumulative impacts of all the Master Plan improvements, when coupled with the existing or planned projects within the area, will be discussed in the tasks described above for the appropriate impact category.

#### TASK 4 - FACILITATE THE PRINTING AND DISTRIBUTION OF THE DEIS

The Contractor will be responsible for preparing the DEIS and then for supervising the Sponsor's consultant in printing and distributing the document.

**Preliminary DEIS** - The Contractor will document the results of the project coordination and analyses in a preliminary DEIS to be submitted to the FAA for its review and comment. The Preliminary DEIS will be organized in a format consistent with FAA Order 5050.4A. Forty (40) copies of the preliminary DEIS will be provided to the FAA by the Contractor.

**DEIS for Distribution** - The FAA's comments on the Preliminary DEIS will be incorporated into the document, and an estimated 200 copies of the document (including appendices and referenced EA) will be provided by the Sponsor's consultant. If additional copies are determined to be necessary, they will be printed and charged on a per copy basis. The FAA will be responsible for providing the distribution list and signing the distribution letters on FAA letterhead (as prepared by the Contractor) to the Sponsor's consultant. The Contractor will be responsible for supervising the Sponsor's consultant in the DEIS's distribution. The Contractor will supervise the Sponsor's Consultant in the preparation of the newspaper notice of availability and publishing the notice.

#### TASK 5 - PUBLIC INVOLVEMENT/CONDUCT A PUBLIC HEARING ON THE DEIS

If the FAA determines that a Public Hearing is to be held, the Contractor will assist the FAA in the supervision of the Sponsor's consultant who will organize the FAA's Public Hearing on the DEIS. A Public Hearing if held would allow interested agencies, groups and individuals additional opportunity to review and comment on the DEIS. The results of the Public Hearing would be documented for use by the Contractor in Task 6.

As noted above, the FAA will determine if a Public Hearing is to be held and if so direct the responsibilities to be assumed by the Contractor. The Contractor's responsibilities may include any, or all of the following, as directed by the FAA:

- (1) Supervision of the Sponsor's consultant in the determination and recommendation of an appropriate time and location(s) for holding the public hearing.
- (2) Supervise the Sponsor's consultant in the preparation for FAA a recommended notice of hearing. After FAA approval publish notice of hearing in appropriate media.
- (3) Supervise the Sponsor's consultant in the arrangement for or supply necessary visual aids and audio and visual equipment and personnel to present and explain technical material contained in the DEIS.
- (4) Supervise the Sponsor's consultant in providing for a transcript of the public hearing.
- (5) Provide a hearing officer for the public hearing.

OCT 01 1993

**Mailing List** - A mailing list will be assembled and maintained for distribution of environmental documents. The list will include federal, state and local elected officials, local citizen groups, organizations, interest groups, and other interested parties. The Contractor will supervise the Sponsor's consultant in the preparation of the list for FAA approval.

**Media** - A list of appropriate media organizations and contacts will be compiled and maintained by the Sponsor's consultant for use by FAA in issuing news releases and notices. The Contractor will supervise the preparation and maintenance of the list and will supervise the issuance of FAA notices and releases by the Sponsor's consultant.

**TASK 6 - ITEMIZE AND CATALOG COMMENTS RECEIVED ON DEIS**

Itemize and catalog comments received in response to the DEIS. Comments directed to the FAA will be received by the Contractor (at the Contractor's address) for processing. The Contractor will compile all comments received on the DEIS, including letters, comment forms and court reporter transcription of public hearing. All comments will be reviewed and summarized and cross referenced to the commentor. If it is determined that it is necessary to perform additional analyses, they will be performed in this task as directed and authorized by the FAA. The comments and responses will be organized into a format to be included within an appendix to the FEIS.

**TASK 7 - FACILITATE THE PREPARATION OF RESPONSES TO COMMENTS RECEIVED ON THE DEIS**

The Contractor will identify the comments for which a response by the Sponsor's consultant is needed. The FAA will review all comments taking into account and evaluating the Contractor's recommendation for disposition. It is expected that, in general, comments will require one of two types of action. Either the matter has been discussed adequately in the DEIS, or it has not been discussed adequately. In the former case, the Contractor will supervise the Sponsor's consultant in its preparation of a brief but complete explanation of the adequacy of the environmental documentation with respect to the comment, with a reference to the appropriate section(s). In the latter case the Contractor will recommend to the FAA a course of action, and the FAA will determine if additional investigations or studies and/or modified material is necessary for inclusion in the FEIS in response to the comment. In the event the additional investigations or studies are prepared by others (i.e. IDOT), the Contractor will be responsible for supervising its adequacy and recommending to FAA an appropriate response to the comment. The FAA will oversee this process and approve the substantive issues that will receive responses. The FAA will determine the adequacy of the responses.

**TASK 8 - AID IN THE PREPARATION OF A FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)**

The FAA will furnish guidance and participate in the preparation of the FEIS and will independently evaluate the statement prior to its approval and take responsibility for its scope and content. Pursuant to this, the Contractor will aid in the preparation of the anticipated FEIS as follows:

**Preliminary FEIS Preparation** - The Contractor will update and revise the document to convert it from a Draft EIS to a Final EIS. Necessary revisions will be included in the text and additional sections, such as the summary of the public hearing, the comment/response appendices and any additional analyses.

**Final EIS Preparation** - The FAA's comments on the Preliminary FEIS will be incorporated into the document.

OCT 01 1993

**TASK 9 - FACILITATE THE PRINTING AND DISTRIBUTION OF THE FEIS**

The Contractor will be responsible for preparation of the FEIS then for supervising the Sponsor's consultant in printing and distributing the document.

**Preliminary FEIS** - The Contractor will submit the Preliminary FEIS to the FAA for its review and revision. The Preliminary FEIS will be organized in a format consistent with FAA Order 5050.4A. Forty (40) copies of the document will be provided to the FAA.

**FEIS for Distribution** - The FAA's comments on the Preliminary FEIS will be incorporated into the document, and an estimated 300 copies of the document will be printed by the Sponsor's consultant. If additional copies are determined to be necessary, they will be printed and charged on a per copy basis. The FAA will provide the distribution list and signed distribution letters on FAA letterhead to the Sponsor's consultant and the Contractor will supervise the Sponsor's consultant in the distribution of the FEIS to interested parties. The Contractor will supervise the Sponsor's consultant in the preparation of the newspaper notice of availability and publishing the notice.

**TASK 10 - ITEMIZE AND CATALOG COMMENTS RECEIVED ON FEIS**

Itemize and catalog comments received in response to the FEIS. Same as Task 6.

**TASK 11 - RESPOND TO COMMENTS RECEIVED ON FEIS**

Assist the FAA in responding to comments received on the FEIS. Same as Task 7.

**TASK 12 - ASSIST IN PREPARATION OF RECORD DECISION**

The Contractor will be available to assist the FAA to the extent necessary in support of the preparation of the Record of Decision (ROD). The task will include the Contractor's preparation of the preliminary drafts of the ROD and assistance in writing the ROD.

**TASK 13 - ASSEMBLE DOCUMENT RECORD AND INDEX**

The Contractor will maintain a segregated copy of each record/document/information relating to the project that is used by the FAA in its decision making process. This will include documentation used in the preparation of the EA and EIS. The Contractor will also maintain a database index of this material. This material may be used by the FAA in the formulation of an Agency administrative record.

**Documents:** The pages of the material will be maintained as one sided standard size (8 1/2" x 11") copies. If larger size documents reduced to 8 1/2" x 11" will not be legible, then the larger size documents should be reduced to the smallest legible size practical. The materials will be maintained chronologically by date and category, with pages numbered consecutively. The material will be compiled and presented to the FAA in three ring view back binders. The Contractor will provide to the FAA the original and one copy (made from the original after pages are numbered) of all record/document/information materials are compiled.

**Database:** The Contractor will maintain a complete, well-indexed and understandable database index of this material. This database index will include information sufficient to identify documents. It will include the date of the document, a description of the document, the subject of the document, page number, as well as other information needed for its identification. The format/content of the database index will be subject to FAA approval. The Contractor will maintain the database using FAA approved computer database applications. The database index will be delivered to the FAA on 3 1/2" diskette.

OCT 01 1993

**TASK 14 - PROCESSING FAA FREEDOM OF INFORMATION ACT (FOIA) REQUESTS**

Upon the receipt of a FAA FOIA request, the FAA will forward the request, stating the specific information requested along with any applicable FAA information which the Contractor may not have, to the Contractor. The Contractor will be responsible for the compilation, copying, preparation of the transmittal letter on FAA letterhead, and distribution of the releasable information. Before distribution is made, the FAA will review the information to insure that the information is consistent with the FAA's FOIA requirements. The FAA will determine what materials are to be denied, that the denied material is to be identified and sign the transmittal letter. For each FOIA request, the Contractor will prepare a complete list of the documents provided and those denied. The document lists will contain sufficient information to identify each document such as the type document, date, originator, receiver, subject matter, etc. The document lists shall be contained in the response to the FOIA request. A copy of the FOIA transmittal letter along with the document list shall be provided to the FAA.

**ANTICIPATED DELIVERABLES**

- Task 1 - Review comments on Environmental Assessment, and a potential list of recommended additional studies
- Task 2 - "Scoping" documentation
- Task 3 - Preliminary Draft EIS and Draft EIS distribution
- Task 5 - Summary of issues raised at PH
- Task 6 - Catalog of issues (DEIS)
- Task 7 - Recommended responses to comments (DEIS)
- Task 9 - Preliminary Final EIS and Final EIS distribution
- Task 10 - Catalog of issues (FEIS)
- Task 11 - Recommended responses to comments (FEIS)
- Task 13 - Document Record and Index
- Task 14 - Processing FAA Freedom of Information Act (FOIA) request

APPENDIX 15  
PPM 5050.1

OCT 01 1993

APPENDIX 15  
GUIDE FOR PUBLIC HEARINGS

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EXHIBIT 15A

CRITERIA FOR DETERMINING WHETHER A PUBLIC  
HEARING IS REQUIRED OR NEEDED

1. Section 509(b)(6) of the AIP Act indicates that the Sponsor must offer an opportunity for public hearings on any action involving new airport location, location of a new runway, or major extension of a runway. The public hearing opportunity normally is offered prior to formal submission of a Sponsor's EA to the ADO. FAA Order 1050.1D, paragraph 28 and FAA Order 5050.4A, paragraph 49 indicate that the elements described below are to be considered in deciding whether an opportunity for a public hearing is appropriate. If in doubt, the ADO should contact AGL-611.1. It should be noted that in other cases the ADO and the Sponsor will need to consider the provisions of CEQ 1506.6(c)(1) and (2); i.e., whether there is:

a. Where It is Statutorily Mandated. If a new airport location, a new runway, or a major runway extension is involved, the Sponsor must afford the opportunity for public hearings as required by Section 509(b)(6) of the 1982 Airport Act.

b. Where It is Not Statutorily Mandated. In deciding whether a public hearing is appropriate in other cases, the FAA and Sponsor shall consider the following elements, which include and expand upon the provisions of CEQ 1506.6(c)(1) and (2), respectively, that "Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing." and "A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful." FAA's criteria for determining whether a hearing should be held is as follows::

(1) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. Hearings might be needed by another agency for permits to be issued or state requirements, e.g., Section 404 (wetlands), State EIS.

(2) The magnitude of the proposal in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of the resources to be committed.

(3) The degree of interest in the proposal, as evidenced by requests from the public of Federal, State, and local authorities that a hearing be held.

(4) The complexity of the issue and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities.

(5) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.



OCT 01 1993

EXHIBIT 15B

PUBLIC HEARING REQUIREMENTS

1. Sponsor Determines Type of Notice. When an opportunity for a public hearing is required, the Sponsor has to choose how to respond.

a. Notice of an Opportunity for a Public Hearing (NOPH).

(1) Where there seems to be no interest in having a public hearing, a Notice of an Opportunity for a Public Hearing can be chosen rather than immediately issuing a Notice of a Public Hearing.

(2) Anyone has up to at least 30 days from the date of Notice of Opportunity to request a hearing. (The date of notice is considered the date it is published in the paper.)

(3) If a hearing is requested after the Notice of Opportunity is published, then a Notice of a Public Hearing must be published at least 15 days prior to the hearing.

A public hearing must be provided if requested. In any event, the hearing may not take place any sooner than 30 days after the initial Notice of a Public Hearing or Notice of an Opportunity for a Public Hearing is published.

b. Notice of a Public Hearing.

(1) Where there is interest in having a public hearing, a Notice of a Public Hearing should be chosen immediately rather than issuing a Notice of an Opportunity for a Public Hearing.

(2) The hearing may not take place any sooner than 30 days after the initial Notice of a Public Hearing or Notice of an Opportunity for a Public Hearing is published.

(3) Notice that a hearing will be held (in the same paper as the Notice of an Opportunity for a Public Hearing, if such was given).

2. Publishing Requirements.

a. Notice required to be published in an areawide or local newspaper of general circulation.

b. Notice shall be mailed to those who have requested it on an individual action.

c. In the case of an action with effects of national concern, notice shall be published in the Federal Register and notice by mail be given to national organizations reasonably expected to be interested in the matter.

3. Hearing Officer.

a. The Sponsor is responsible for selecting the hearing officer.

OCT 01 1993

EXHIBIT 15B (cont'd)

b. The Sponsor may use their own staff or attorney representing the Sponsor, it is sometimes advantageous for controversial projects for the Sponsor to hire a hearing officer that is not associated with the Sponsor or the project.

4. Availability of Environmental Assessment.

a. The availability and location of an environmental assessment if one is required by FAA Order 5050.4A, paragraph 21, 22, or 24, or

b. Statement that: "in accordance with FAA Order 5050.4A, Airport Environmental Handbook [or subsequent updates], the proposed development will not have a significant effect on the environment and is categorically excluded from the requirement to prepare an environmental assessment.

c. Publication of the notice allowed only when the environmental assessment will be available at the location mentioned in the notice. If it isn't available at the time the notice is published, a new notice must be published with a revised date for the hearing so the 30 days of assessment availability is met.

5. Content of Notice. See also sample notices, Notice of an Opportunity for a Public Hearing (NOPH) and Notice of a Public Hearing (NPH) in Appendix \_\_.

a. Announce intent to undertake proposed airport development, with a concise description of the proposed development (NOPH/NPH).

b. A statement that the hearing is for the purpose of considering the economic, social, and environmental effects of the development and its consistency with goals and objectives of such urban planning as has been carried out by the community (NOPH/NPH).

c. The scheduling of a public hearing (time, date, and place). If the schedule is announced in response to a request for a hearing after an initial Notice of an Opportunity for a Public Hearing, the schedule must be published at least 15 days prior to the hearing. In any event, the hearing may not take place any sooner than 30 days after the initial Notice of a Hearing or Hearing Opportunity is published (NPH).

d. The availability and location of the document on which the hearing is based. Indicate that the document is available for public examination at least 30 days from date of initial notice (NOPH/NPH).

(1) An environmental assessment if one is required, or

(2) A statement that: "in accordance with FAA Order 5050.4A, Airport Environmental Handbook (or subsequent updates), the proposed development will not have a significant effect on the environment and is categorically excluded from the requirement to prepare an environmental assessment."

LOCT 01 1993

EXHIBIT 15B (concluded)

e. Date after the public hearing when comments must be turned in and to whom they should be sent, usually a minimum of 7 days (NPH).

6. Work Products. The ADO should explain to the Sponsor.

a. A hearing transcript need not be included in the environmental assessment, however, at least one copy of the transcript must be obtained by the Sponsor for the record.

b. The Sponsor must be able to furnish a copy of the transcript to the FAA upon request.

c. The Sponsor must provide FAA a summary of the issues raised, the alternatives considered, the conclusions reached, and the reasons for that conclusion. The ADO should ensure that these items be included in a public involvement summary in the EA.



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Great Lakes Region  
Illinois, Indiana, Michigan,  
Minnesota, North Dakota,  
Ohio, South Dakota,  
Wisconsin

2300 East Devon Avenue  
Des Plaines, Illinois 60018

POLICY AND PROCEDURES MEMORANDUM - AIRPORTS DIVISION

NUMBER: 5050.1  
Supplement No. 1

DATE: OCT 08 1997

SUBJECT: Processing Environmental Documents under the National  
Environmental Policy Act - Contractor Selection Procedures

CANCELLATION: October 1, 1998 (unless subsequently modified)

REFERENCE: 1. AC 150/5100-14C, Architectural, Engineering, and  
Planning Consultant Services for Airport Grant  
Projects

APPENDIX 1. Resolution of Comments (Internal Use Only)  
2. Sample Letter of Selection  
3. Revised Figure 6A. Flowchart for Selection of Sponsor  
EIS Contractor, PPM 5050.1, dated October 1, 1993  
4. Selected References, AC 150/5100-14C dated February  
16, 1994

1. Background

This supplement has been prepared to update the material provided in paragraph 6e of PPM 5050.1, to incorporate reference to FAA Advisory Circular 150-5100-14C; and to delegate contractor selection authority to the Manager-Airports District Office. The Manager-Airports District Office is the responsible federal official.

The development process of this supplement is also intended to provide an opportunity for field managers and employees to comment on the procedure and these comments will be documented by Appendix.

The National Environmental Policy Act (NEPA) requires that a Federal agency either prepare its environmental Impact Statement (EIS) or select a contractor to prepare the EIS. As outlined in FAA Advisory Circular 150/5100-14C, *Architectural Engineering and Planning Consultant Services for Airport Grant Projects*, dated February 16, 1994, the following procedural guidance is provided to FAA Airports Division-Great Lakes Region personnel regarding selecting a consultant to prepare an EIS or an environmental assessment that has the potential to develop into an EIS. It is very important that the FAA be actively involved in the total contractor selection process for the preparation of an EIS.

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OCT 08 1997

2. Delegation of Authority

The authority for the selection of contractors to prepare the FAA's EIS, including documents such as Environmental Assessments that are likely to develop into an EIS, shall rest solely with the Manager-Airports District Office, who is the responsible federal official. The manager may rely on any consultative assistance he/she believes appropriate. Factors should include, as a minimum, the recommendation and ranking provided by the airport owner and the recommendation of the FAA's local program manager responsible for the environmental planning phase of the project. The letter of selection shall reference the selection assistance and recommendation of the airport owner (refer to Appendix 2).

Revisions to PPM 5050.1 FIGURE 6A, FLOW CHART FOR SELECTION OF SPONSOR EIS CONTRACTOR can be found in Appendix 3. The revised Figure 6A eliminates the need to coordinate with AGL-610 and states the ADO selects the contractor and prepares a selection report as noted in paragraph 2-10h of Appendix 4. Note that use of Figure 6A is also recommended for selection of the EA contractor.

3. Policy and Procedure

Prior to evaluating and recommending a contractor, the airport owner should develop evaluation criteria and selection procedures. The airport owner may utilize Paragraphs 2-7 and 2-8 of Advisory Circular 150/5100-14C which provides suggestions and recommendations for projects involving Federal airport grants, however an equivalent state or sponsor qualifications-based requirement may be used. The FAA will normally defer to the airport owner regarding any evaluation process and criteria, however the ADO should recommend the airport owner follow paragraph 2-10 of AC 150/5100-14C. The ADO will provide to the airport owner a generic EIS scope of work. (Appendix 14-2b of PPM 5050.1 contains a sample scope of work.) It is the responsibility of the airport owner to tailor the scope of work specific to the airport, proposed project, and airport environs.

The airport owner is responsible for any interviewing involved in the process and the FAA will not normally participate. The airport owner will utilize selection and evaluation criteria to evaluate and rank the consultants in order of preference, based on qualifications. The FAA, taking into consideration the airport owner's ranking and recommendations, will conduct an independent evaluation of the total selection process and advise the airport owner of FAA's final selection. The airport owner is responsible for initiating discussions with the contractor selected by the FAA, as well as advising the firms not selected.

4. Administrative Record

The FAA will ensure that the contractor selection process is documented in the project files and subsequent administrative record. This part of the administrative record will be maintained by the ADO and not the contractor.

  
W. Robert Billingsley  
Manager, Airports Division

OCT 08 1997

PPM 5050.1  
Supplement No. 1  
Appendix 2

APPENDIX 2  
SAMPLE LETTER OF SELECTION

[NAME AND ADDRESS OF SPONSOR]

Dear [Sponsor Representative]:

[subject]

We have evaluated your submittal dated \_\_\_\_\_ containing the recommendation and ranking of consultants interviewed to conduct \_\_\_\_ [name of project] \_\_\_\_.

Based on our evaluation, we have ranked the consultants and select \_\_\_\_ [consultant] \_\_\_\_ as first choice and \_\_\_\_ [consultant] \_\_\_\_ as the second choice to conduct \_\_\_\_ [name of project] \_\_\_\_.

We ask that you initiate discussions with \_\_\_\_ [first choice consultant] \_\_\_\_ to determine the necessary fees required to accomplish the approved work scope for the project. Please forward this information within thirty days to \_\_\_\_ [FAA program manager] \_\_\_\_ so that FAA can make a "reasonableness determination."

If an agreement is not possible with \_\_\_\_ [first choice consultant] \_\_\_\_ (first choice), we ask that you initiate discussions with \_\_\_\_ [second choice consultant] \_\_\_\_ (second choice).

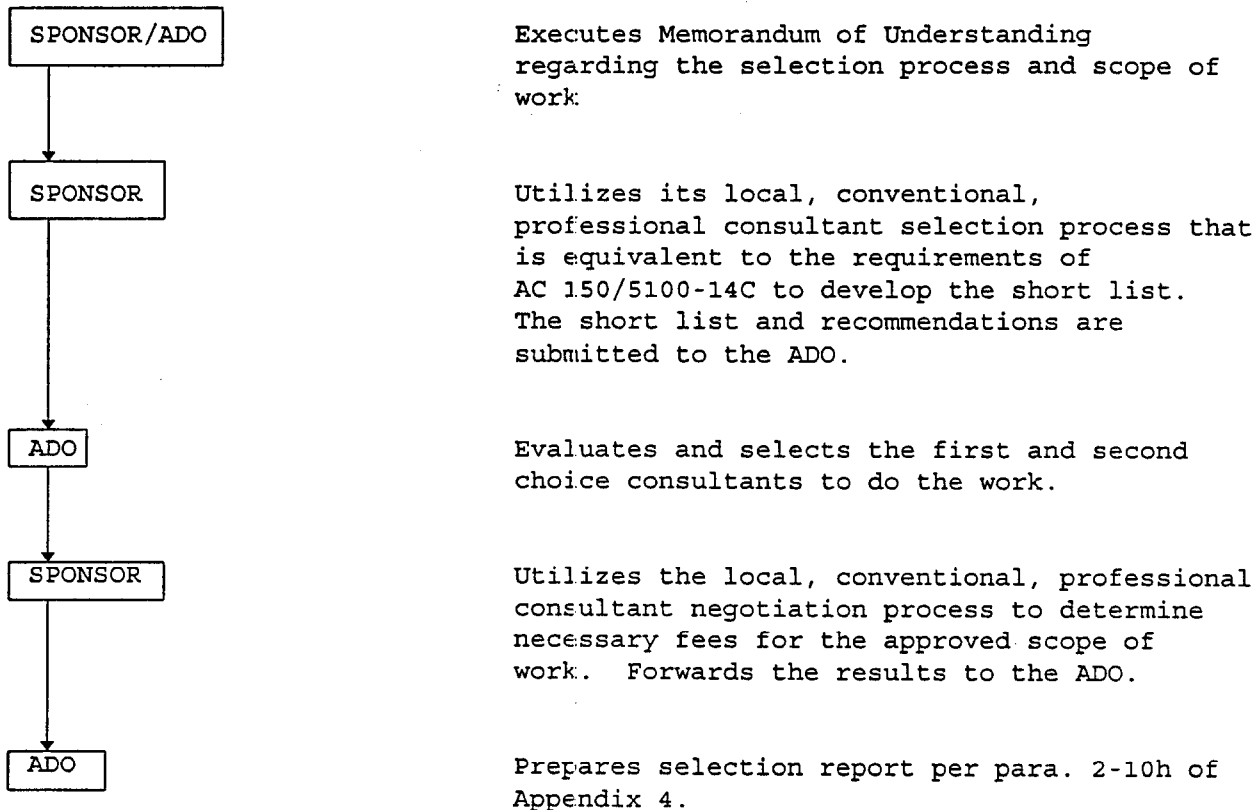
[Signed]

[ADO Manager]

OCT 08 1997

PPM 5050.1  
Supplement No. 1  
Appendix 3

APPENDIX 3  
REVISED FIGURE 6A  
FLOWCHART FOR SELECTION OF SPONSOR EIS CONTRACTOR



OCT 08 1997

PPM 5050.1  
Supplement No. 1  
Appendix 4

APPENDIX 4

Selected References. FAA Advisory Circular 150/5100-14C, dated February 16, 1994

2-7. SELECTION CRITERIA.

Prior to evaluating consultants, it is recommended that the sponsor's organization develop an agreed-upon list of criteria to be used in evaluating potential consultants. Numerical rating factors (ranges) should be assigned to each criterion on the basis on the sponsor's priorities and conception of the importance of each factor in the attainment of a successful project. Suggested criteria, but are not limited to the following:

- a. Capability to perform all or most aspects of the project, such as planning, environmental evaluations, financial analysis, architectural design, and mechanical, electrical, and civil engineering.
- b. Recent experience in airport projects comparable to the proposed project.
- c. Reputation for personal and professional integrity and competence.
- d. Evidence that consultant has established and implemented an Affirmative Action Program.
- e. Key personnel's professional background and caliber and availability for the proposed project.
- f. Current workload.
- g. Recent experience in special areas associated with the project such as energy conservation and life-cycle costing.
- h. Capability to conduct a value engineering study for projects that are particularly complex or have unique features. It is recommended that value engineering be one of the criterion for large, complex projects, such as terminal buildings, where the estimated cost is \$1 million or more. The savings that result from a value engineering study as a rule are 3 to 5 percent of construction costs. On the other hand, the cost of a value engineering study is approximately 0.2 to 0.4 percent of construction costs.
- i. Demonstrated ability to meet schedules or deadlines.
- j. Capability to complete projects without having major cost escalations or overruns.
- k. Qualifications and experience of outside consultants regularly engaged by the consultant under consideration.



OCT 08 1997

1. Quality of projects previously undertaken.

m. Familiarity with the proximity to the geographic location of the project.

n. Knowledge of FAA regulations, policies, and procedures.

o. Capability of a branch office which will do the work to perform independently of the home office, or conversely, its capability to obtain necessary support from the home office.

p. Demonstrate an understanding of the project's potential problems and the sponsor's special concerns.

q. Degree of interest shown in undertaking the project.

r. Capability to incorporate and blend aesthetic and architectural concepts with the project design while accomplishing the basic requirements that transportation facilities be functional, safe, and efficient.

s. Capability to furnish qualified inspectors for construction inspection.

2-8. SELECTION PROCEDURES.

The following selection procedures are recommended for projects involving Federal airport grants: An equivalent State or sponsor qualifications-based requirement may be used.

a. The selection board should review the nature of the proposed project and the general scope of services to be procured in order to ensure an understanding of the project requirements and the qualifications needed by the consultant.

b. The board should develop the selection criteria and the evaluation system to be used in preparing a preselection list of consultants who are best qualified for the project and in determining the final selection.

c. To obtain experience and qualification data from potentially qualified consultants and to ensure the broadest publicity concerning the sponsor interest in obtaining consultant services, public announcements for all projects should be advertised in local newspapers with a wide circulation and national trade journals and magazines. The public announcement should include such information as a description of the proposed project and its location, a description of the services to be procured and the estimated construction cost. The announcement should also invite consultants to submit their experience and qualification data relating to the proposed project. The

OCT 08 1997

PPM 5050.1  
Supplement No. 1  
Appendix 4

request for qualifications may not contain a request for any type of pricing data, including workhours.

d. Sponsors may also send the public announcements directly to known, potentially qualified consultants to determine their interest in the project and to request their experience and qualification data.

e. Affirmative steps should be taken to assure that small and minority firms are used whenever possible. These steps should include, but not be limited to, the following:

(1) Include qualified small business and minority firms on solicitation lists.

(2) Assure that small business and minority firms are solicited whenever they are potential sources.

(3) Divide the total requirements into small tasks, when economically feasible, to permit maximum small business and minority firm participation.

(4) Use the services and assistance of the Small Business Administration and the Disadvantaged Business Enterprise Agency of the Department of Commerce.

f. There are many sources from which the names of consultants can be obtained. These include: the Membership Directory of the Airport Consultants Council; the Professional Services Directory of the Civil Engineering Magazine, published by the American Society of Civil Engineers (ASCE); Directory of Engineers in Private Practice, published by the National Society of Professional Engineers (NSPE); directory from the American Institute of Architects (AIA); directory of American Consulting Engineers Council (ACEC); professional services directories published in aviation magazines and trade journals, other airport operators having undertaken similar projects; State boards of professional engineering registration; state aviation agencies; and local classified telephone directories. FAA Airports field offices may also furnish the names of consultants who have engaged in projects of similar nature in their areas of jurisdiction. However, FAA personnel will not recommend consultants or participated in the selection process. The address of regional Airports Divisions and Airports District/Field Offices having jurisdiction over specific geographic areas are listed in the current edition of AC 150/5000-3, Address List of Region Airports Divisions and Airports District/Field Offices.

g. From the experience and qualification data obtained from consultants, the selection board should prepare a preselection list of the

OCT 08 1997

best qualified consultants for further consideration. The list should consist of at least three consultants but preferable no more than five.

h. At this point, consultants who expressed an interest in the project but were not included on the preselection list should be notified that they were unsuccessful.

i. Detailed information on the qualifications and performance data of each of the consultants on the preselection list should be obtained. This can be achieved by contacting former clients to ascertain the quality of work, ability to meet schedules, cost control, and consultant-client relationship.

j. At this point, the scope of work and the services desired should be provided to each firm. The selection criteria, including their relative importance, that will be used to evaluate the proposals shall also be made available to each of the firms on the preselection list. The selection board should then obtain a general project proposal from each of the firms on the preselection list. The request for proposal may not contain a request for any cost information, such as total cost, cost per hour, workhours, or other pricing data. Requests for cost or pricing information, prior to discussions with the best qualified firm, to define the scope of services is contrary to Section 511(a)(16) of the AAIA and 49 CFR 18.36(t). The general project proposal will help the selection board recommend a consultant who can achieve design excellence, while successfully controlling time and costs, and who has the ability to understand and accomplish the specialized requirements of the project. The elements of a typical general project proposal should include the following:

(1) Team members, other key personnel, previous experience, and the role they will fill on the project. The qualifications and the time commitment of the project manager proposed for the project.

(2) Current workload.

(3) Proposed project schedule, including major tasks and target completion dates.

(4) Technical approach - a brief discussion of the tasks or steps that the consultant will undertake to accomplish the work described in the scope of work.

(5) Value Engineering - when a value engineering study is included in the selection criteria, a brief discussion of the consultant's capability, training, and experience to undertake such a study.

OCT 08 1997

PPM 5050.1  
Supplement No. 1  
Appendix 4

k. Conduct interviews with each consultant on the preselection list. A telephone interview may be sufficient, however, a visit to the consultant's office to obtain a better idea of their capabilities is suggested whenever practical.

l. Review the experience and qualification data, the general project proposal, the interview results, and other relevant data. Using the selection criteria developed for the project, rank the qualified consultants in order of preference.

m. Initiate discussions with the consultant ranked number one to fully define the scope of work and services to be provided (see paragraph 2-10). After agreement on a detailed scope of services has been reached, the consultant should submit their cost proposal together with a detailed project proposal. Negotiations should then be conducted to reach a fair and reasonable cost, subject to the procedures indicated in Paragraphs 2-11 and 2-12.

n. Prepare a report recommending the consultant selected. The report should contain sufficient detail to indicate the extent of the review and considerations used for the recommendations.

o. The report should be forwarded to the sponsor's administrator or governing body authorized to review the recommendations of the selection board. The recommendations of the selection board should normally be accepted unless the report does not adequately support the recommendations. This will help to ensure complete fairness and open competition. If the recommendations are not accepted, the selection board should be reconvened until acceptable recommendations have been agreed on.

#### 2-10. SELECTION PROCEDURES FOR ENVIRONMENTAL IMPACT STATEMENT (EIS) PREPARATION.

The procurement of consultant services to assist the FAA in preparing an EIS is somewhat unique because the regulations implementing the National Environmental Policy Act (NEPA) of 1969, (42 U.S.C. 4321 et seq.), require Federal agencies to prepare the EIS or select the contractor that prepares the EIS. Selection of a consultant shall, therefore, be made by the FAA from a preselected list of qualified consultants submitted by the sponsor. The sponsor and the FAA shall follow the selection procedures recommended in paragraph 2-8 with the following exceptions:

- a. The proposed scope of work is to be provided by the FAA.
- b. The FAA shall concur with the selection and evaluation criteria prepared by the sponsor.

OCT 08 1997

c. The FAA will be invited to participate with the sponsor in the interviews with consultants on the preselection list.

d. The sponsor may indicate to the FAA their ranking of the consultants on the preselection list after the interview process has been concluded. The FAA, however, is under no obligation to make a selection based on this ranking.

e. Using the previously Sponsor-FAA agreed upon selection and evaluation criteria, the FAA will independently evaluate and rank the consultants on the preselection list in order of preference, based on qualifications.

f. The FAA shall advise the Sponsor the FAA's ranking in order of preference, and the Sponsor shall advise and initiate discussions with the consultant ranked number one.

g. The FAA's involvement in the negotiations of the project cost shall be limited to making a reasonableness determination once a satisfactory cost proposal has been reached between the Sponsor and the consultant.

h. The FAA shall prepare a selection report for its records.



U. S. Department  
of Transportation  
**Federal Aviation  
Administration**

Great Lakes Region  
Illinois, Indiana, Michigan  
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POLICY AND PROCEDURES MEMORANDUM - AIRPORTS DIVISION

NUMBER: 5050.1  
Supplement Number Two

DATE: **AUG 11 1998**

SUBJECT: FAA Involvement in Processing Environmental Documents for Airport Development or Related Works not involving Airport Improvement Program Funds or Passenger Facility Charge Financing

CANCELLATION: October 1, 1999 (unless subsequently modified)

REFERENCE: 1. FAA Order 5050.4A, Airport Environmental Handbook

1. Background.

FAA has been involved in environmental considerations of airport development since the late 1960's. Legislation has and continues to emphasize the importance of adequately addressing project environmental consequences. An example of a recent statute is The Clean Air Act.

We must be sensitive that airport development is conducted in a manner consistent with legislation, and that the project documents should reflect our actions. It is also important that public resources be applied with good stewardship and not be duplicative of the actions of others nor be preemptive of their role.

As such, drawing the line between what we should or should not do will be a continual challenge. This memorandum is for general guidance and will not work in every case. It should be used as a starting point for our resource dedication for environmental involvement.

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AUG 11 1998

## 2. Airspace

FAA is charged with the management of the nation's airspace resource. This airspace management duty places FAA in a role of ensuring the environment is addressed for most development projects on an airport. However, experience over the past thirty years indicates the environmental impacts of many development projects are minimal. Many impacts are local in nature, and environmental concerns are within the scope of local or state agencies. Key considerations as to whether or not the Airports Division should be environmentally involved include, but not limited, to:

- a. federal funding or Passenger Facility Charge financing is likely to be a part of the project;
- b. the depth of federal involvement in project planning;
- c. the necessity of a federal action for the project.

The magnitude of all of the above should be considered in decision-making regarding the application of our resources.

## 3. Project Financing

If Passenger Facility Charges or Airport Improvement Program funding is likely or a possible financing source, FAA will be involved in ensuring that the environment is addressed. There is considerable guidance elsewhere covering Federal involvement in the environmental process.

## 4. Project Planning and Federal Actions

All airport development has some degree of federal involvement in the planning process, and through airspace management, a federal action may be necessary. However, in a number of cases the federal involvement is advisory in nature and not one requiring "approval" .

For example, some projects not involving federal funds may be examined at the federal level solely for their height and location with respect to the airfield and advice provided regarding their impact on airport operations. In some cases, adjusting aircraft operations thus letting the project proceed with no adverse effect on safety or efficiency may mitigate the impact(s). The state and local permitting process normally addresses all other project considerations, including the environment.

AUG 11 1998

PPM 5050.1  
Supplement #2

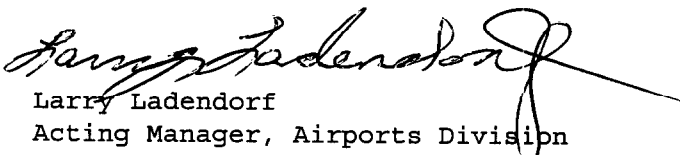
The ADOs should make decisions regarding their role in the project environmental processing on a case-by-case basis. Generally, we will assume the primary role in cases that include:

- a. airfield or airside development;
- b. new airport planning; or
- c. airport landslide development that directly relates to airfield operations.

If not specifically categorically excluded, we will, if possible, defer to and accept the state and local permitting process as ensuring that the project environmental concerns are addressed. Depending on the nature of the development (particularly on existing airports), the state and local permitting requirements may include:

- a. determinations with respect to impacts on surrounding roads and highways;
- b. air or water quality conformity determinations which include state, local, or other federal agency standards;
- c. utility project work;
- d. drainage projects (other than from a safety standpoint)

The FAA's acceptance of the permitting process of others does not relieve the airport owner or other developer(s) from the requirements of federal, state or local legislation or regulation. Rather, it is intended to recognize the role of others and avoid federal duplication of resource investments.

  
Larry Ladendorf  
Acting Manager, Airports Division  
Great Lakes Region